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

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11663

Creating an Emergency Board To Investigate Disputes Between the Carriers Represented by the National Railway Labor Conference and Certain of Their Employees

WHEREAS, disputes exist between the carriers represented by the National Railway Labor Conference designated in lists attached hereto and made a part hereof, and certain of their employees represented by the Sheet Metal Workers' International Association, a labor organization; and

WHEREAS, these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS, these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive sections of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board, of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The Board shall report its finding to the President with respect to these disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the disputes arose.

Richard Nixon

THE WHITE HOUSE,
March 31, 1972.

SOUTHEASTERN RAILROADS

Alabama, Tennessee and Northern Railroad
Atlanta and West Point Rail Road—The Western Railway of Alabama
Atlanta Joint Terminals
Central of Georgia Railway
Clinchfield Railroad
Georgia Railroad
Gulf, Mobile and Ohio Railroad
Illinois Central Railroad, including Paducah and Illinois Railroad and Chicago and Illinois Western Railroad
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad
Louisville and Nashville Railroad
New Orleans Public Belt Railroad
Norfolk and Portsmouth Belt Line Railroad
Norfolk Southern Railway
Richmond, Fredericksburg and Potomac Railroad
St. Louis-San Francisco Railway
Seaboard Coast Line Railroad
Southern Railway
  Alabama Great Southern Railroad
  Cincinnati, New Orleans and Texas Pacific Railway
  Georgia Southern and Florida Railway
  New Orleans Terminal Company
  St. Johns River Terminal Company

WESTERN RAILROADS

Alameda Belt Line
Alton & Southern Railway
Atchison, Topeka and Santa Fe Railway
Belt Railway Company of Chicago
Burlington Northern, Inc.
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago and North Western Railway
Chicago and Western Indiana Railroad
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago, Rock Island and Pacific Railroad
Chicago, West Pullman & Southern Railroad
Colorado and Southern Railway
Chicago and Wyoming Railway
Denver and Rio Grande Western Railroad
Duluth, Missabe and Iron Range Railway
Duluth, Winnipeg and Pacific Railway
Elgin, Joliet & Eastern Railway
Fort Worth and Denver Railway
Galveston, Houston and Henderson Railroad
Houston Belt & Terminal Railway
Illinois Northern Railway
Illinois Terminal Railroad
Joint Texas Division of CRI&P—FW&D Railways
Kansas City Southern Railway
Kansas City Terminal Railway
Louisiana & Arkansas Railway
Manufacturers Railway
Missouri-Kansas-Texas Railroad
Missouri Pacific Railroad
  Missouri-Illinois Railroad
New Orleans Union Passenger Terminal
Norfolk and Western Railway (Lines of former Wabash RR.)
Northwestern Pacific Railroad
Oakland Terminal Railway
Peoria and Pekin Union Railway
Portland Terminal Railroad
Sacramento Northern Railway
St. Louis Southwestern Railway
San Diego & Arizona Eastern Railway
Soo Line Railroad
Southern Pacific Transportation Company (Pacific Lines and Texas and Louisiana Lines)

Terminal Railroad Association of St. Louis
Texas and Pacific Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria and Western Railroad
Union Pacific Railroad
Western Pacific Railroad

EASTERN RAILROADS

Ann Arbor Railroad
Baltimore and Ohio Railroad
Baltimore and Ohio Chicago Terminal Railroad
Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Corporation
Canadian Pacific Railway
Central Railroad Company of New Jersey
New York and Long Branch Railroad
Central Vermont Railway, Inc.
Chesapeake and Ohio Railway
Chicago River and Indiana Railroad
Cincinnati Union Terminal Company
Cleveland Union Terminals
Delaware and Hudson Railway
Detroit and Toledo Shore Line Railroad
Erie Lackawanna Railway
Grand Trunk Western Railroad
Indiana Harbor Belt Railroad
Lehigh and New England Railway
Lehigh Valley Railroad
Maine Central Railroad
Portland Terminal Company
Monongahela Railway
Monon Railroad
Montour Railroad
Newburgh and South Shore Railway
New York, Susquehanna and Western Railroad
Norfolk and Western Railway
Penn Central Transportation Company
Pennsylvania-Reading Seashore Lines
Pittsburgh and Lake Erie Railroad
Lake Erie and Eastern Railroad
Reading Company
Staten Island Rapid Transit Railway
Washington Terminal Company
Western Maryland Railway

[FR Doc.72-5191 Filed 3-31-72; 11:47 am]

EXECUTIVE ORDER 11664

Creating an Emergency Board To Investigate a Dispute Between the Penn Central Transportation Company and Certain of Its Employees

WHEREAS, a dispute exists between the Penn Central Transportation Company and certain of its employees represented by the United Transportation Union, a labor organization; and

WHEREAS, this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS, this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a Board of three members, to be appointed by me, to investigate this dispute. No member of the Board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The Board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the Board has made its report to the President, no change, except by agreement, shall be made by the Penn Central Transportation Company, or by its employees, in the conditions out of which the dispute arose.

Richard Nixon

THE WHITE HOUSE,
March 31, 1972.

[FR Doc.72-5192 Filed 3-31-72; 11:47 am]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1972 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1972. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1972):

Title		*Price*
4		$.55
6	(Rev. March 1, 1972)	.75
7	Parts:	
	52	3.25
	1060–1119	1.75
10		1.75
11	[Reserved]	
13		1.25
16	Part 150–end	2.00
18	Parts 1–149	2.00
21	Part 300–end	.60
22		1.75
23		.55
25		1.75
26	Parts:	
	1 (§§ 1.301–1.400)	1.00
	1 (§§ 1.401–1.500)	1.50
	1 (§§ 1.641–1.850)	1.75
	1 (§§ 1.851–1.1200)	2.00
	30–39	1.50
	40–169	2.00
	500–599	1.75
	600–end	.60
27		.45
32	Parts:	
	400–589	2.50
	700–799	3.50
	1000–1399	.75
	1600–end	1.00
33	Part 200–end	1.75
34	[Reserved]	
37		.70
41	Chapters 1–2	2.75
43	Parts:	
	1–999	1.50
	1000–end	2.75
44		.35
46	Parts:	
	150–199	2.75
	200–end	3.00
49	Parts:	
	1–99	.60
	1200–1299	3.00
	1300–end	1.25

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 301—RENT STABILIZATION

Rent Controlled Units; Furnishing of Information to Price Commission

The purpose of this amendment to § 301.106(c) of the Regulations of the Price Commission is to change the date in § 301.106(c)(1) for the furnishing of certain information by agencies or instrumentalities administering a rent control program under § 301.106, and the date in § 301.106(c)(3) for furnishing supplemental information. As currently in effect, subparagraph (1) requires each such agency or instrumentality to furnish to the Price Commission a full description of its methods of rent control and a copy of its laws, regulations, and procedures, before February 1, 1972. It has been determined that it was not possible for all agencies or instrumentalities to comply with that date so it is being extended until April 15, 1972.

In addition, subparagraph (3), is amended by adding the words "beginning with the quarter ending on March 31, 1972" to clarify the beginning quarter for the supplemental reporting of aggregate percentage rent increases for controlled units.

Because the purpose of this amendment is to provide immediate guidance and information as to the rent stabilization program, and Price Commission procedures with respect thereto, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

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

In consideration of the foregoing subparagraphs (1) and (3) of § 301.106(c) of Title 6 of the Code of Federal Regulations are amended to read as follows, effective February 1, 1972:

§ 301.106 Rent controlled units.

* * * * *

(c) *Instructions to governmental authorities.* * * *

(1) Before April 15, 1972, furnish the Price Commission a full description of its methods of rent control, and a copy of each of its laws, regulations, and procedures by which that control is implemented;

* * * * *

(3) Report to the Price Commission, within 30 days after the end of each calendar quarter, beginning with the quarter ending on March 31, 1972, on the aggregate percentage rent increases for controlled units under its jurisdiction during that quarter.

* * * * *

Issued in Washington, D.C., on March 30, 1972.

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

[FR Doc.72-5130 Filed 3-31-72;8:50 am]

Chapter IV—Internal Revenue Service

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Miscellaneous Amendments

In order to clarify the Internal Revenue Service procedural rules relating to economic stabilization, miscellaneous amendments are made to 6 CFR Part 401 as follows:

PARAGRAPH 1. Section 401.2 is amended by adding alphabetically definitions for "National Office" and "Office of the Chief Counsel," and by revising the definitions of "Person aggrieved" and "Request for a determination" to read as follows:

§ 401.2 Definitions and terms.

* * * * *

"National Office" means the Office of the Assistant Commissioner of Internal Revenue (Stabilization).

* * * * *

"Office of the Chief Counsel" means the Office of the Chief Counsel for the Internal Revenue Service located in Washington, D.C.

* * * * *

"Person aggrieved" means:

(1) A person with a substantial pecuniary interest in the denial of a requested action,

(2) An employee whose wage or salary is subject to a pay adjustment, or his representative, or

(3) A person whose request for an exemption has been denied by a district director.

* * * * *

"Request for a determination" means a written inquiry by a person as to the application to him of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission in respect of a completed or proposed act or transaction. Thus, such a request may be a request for an interpretation or ruling, an application for an exception or exemption, or a pay challenge.

* * * * *

PAR. 2. Section 401.4 is amended to read as follows:

§ 401.4 Computation of time.

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part for the performance of any act, the day of the act, event, or default on which the designated period of time begins to run shall not be counted. Additionally, if the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

PAR. 3. Section 401.101 is amended by revising paragraphs (a) and (f), and by adding a new paragraph (g) to read as follows:

§ 401.101 Instructions to applicants.

(a) Each request for a determination must be submitted in writing to the appropriate district director and contain a complete statement of all relevant facts relating to the act or transaction. Such facts include names, addresses, and identifying numbers of all affected parties (if reasonably ascertainable); a full and precise statement of the business reasons for the act or transaction (where appropriate); and a carefully detailed description of the act or transaction. In addition, true copies of all contracts, agreements, leases, instruments, and other documents involved must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. The request must contain a statement whether, to the best of the knowledge of the applicant or his representative, the identical issue is being considered by any field office of the Service (or other Governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination. The request must also contain a statement as to whether the applicant or his representative has filed an application for an exception or exemption, or if a pay challenge has been filed with respect to the subject matter of the requested determination. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue Service file and cannot be returned, the original documents should not be submitted.

* * * * *

(f) It is the practice of the Service to process requests for determinations in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order, or by a specified time, tends to delay the disposition of other matters. Requests for processing ahead of the regular order, made in writing in a separate letter submitted with the request or subsequent thereto and showing clear need for such treatment will be given consideration as the particular circumstances warrant. However, no assurance can be given that any request for determination will be processed by the time requested. For example, the scheduling of a closing date for transaction or a meeting of the board of directors or shareholders of a corporation without due regard to the time it may take to obtain such a determination will not be deemed sufficient reason for handling a request ahead of its regular order. Neither will the possible effect of fluctuation in the market price of goods or commodities on a transaction be deemed sufficient reason for handling a request out of order. Requests by telegram will be treated in the same manner as requests by letter. Determinations ordinarily will not be issued by telegram.

(g) A request for a ruling or interpretation which includes, or could be construed to include, an application for an exception, exemption, or a pay challenge will nonetheless be treated solely as a request for a ruling or interpretation, as appropriate, and processed as such.

PAR. 4. Section 401.205 is amended by revising paragraphs (a)(3), (b)(1) and (3), (c), (d), (e), and (g)(1) to read as follows:

§ 401.205 Practices and policies with respect to interpretations and rulings.

(a) *Circumstances under which the Office of the Chief Counsel issues rulings.* * * *

(3) An application has been made for an exception or exemption, or a pay challenge has been filed with respect to the subject matter of the requested determination.

(b) *Circumstances under which district directors issue interpretations.* * * *

(1) An application has been made for an exception or exemption, or a pay challenge has been filed with respect to the subject matter of the requested determination,

* * * * *

(3) The issue involved has been the subject of a recent court decision adverse to the Government, and the question of following the decision or further litigating the matter has not been resolved.

(c) *Discretionary authority to issue rulings and interpretations.* There are certain areas where, because of the sensitive nature of the problem involved, or for other reasons, the Office of the Chief Counsel and the Service will not issue rulings or interpretations. The Office of the Chief Counsel and the Service may decline to issue rulings or interpretations whenever warranted by the facts or circumstances of a particular case. District Directors may, when it is deemed appropriate and in the best interest of the Service and the public, issue information letters calling attention to well-established principles of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission.

(d) *Reference of matters to district offices.* The National Office will not entertain direct requests for interpretations and will forward such requests received for action to the appropriate district office. The Office of the Chief Counsel, except in unusual circumstances will not entertain direct requests for rulings, and will forward such requests received for action to the appropriate district office.

(e) *Review of determinations.* Interpretations are not generally reviewed by the National Office or Office of the Chief Counsel as they merely inform an applicant of a position previously established by regulations or guidelines, or in a ruling or court decision. If an applicant believes that an interpretation is in error, he may appeal under the provisions of §§ 401.601 through 401.605 if he qualifies. An applicant who does not qualify under § 401.601 may request a review of the interpretation by the district director who issued the interpretation. An applicant for a ruling will be notified that he may seek a reconsideration or may file an appeal with respect to the ruling issued to him if he believes such ruling is in error.

* * * * *

(g) *Oral advice.* (1) Rulings or interpretations are not issued upon oral requests. Furthermore, officials and employees of the National Office and Office of the Chief Counsel will not discuss a substantive issue with an applicant or his representative. This should not be construed as preventing an applicant or his representative from inquiring whether the Service will rule on a particular question. The Service will discuss questions relating to procedures for submitting a request for an interpretation or ruling.

* * * * *

PAR. 5. Section 401.303 is amended to read as follows:

§ 401.303 Instructions to applicants.

(a) *In general.* A request for an exception or exemption must be clearly designated as such. Any request for an exception or exemption included in a request for an interpretation or ruling shall be processed solely as a request for an interpretation or ruling, as appropriate. The provisions of § 401.101, relating to instructions applicable to requests for determinations, are generally applicable to requests for exception or exemption.

(b) *Special instructions.* A request for an exception or exemption shall present evidence sufficient to establish—

(1) That the application of economic stabilization regulations and guidelines will result in serious hardship or gross inequity,

(2) That the request is not designed as part of a plan to avoid the intent and purpose of the Act, and

(3) That, in the case of request for exception pursuant to § 301.109 of this title, the lessees have been notified of such request in the manner prescribed in such section.

Requests for exception will not be processed if they are based on a proposed wage agreement.

PAR. 6. Section 401.404 is amended by revising paragraph (a) to read as follows:

§ 401.404 Instructions to applicants.

(a) *In general.* A pay challenge must be clearly designated as such. Any pay challenge included in a request for an interpretation or ruling shall be processed solely as a request for an interpretation or ruling, as appropriate. The provisions of § 401.101, relating to instructions applicable to request for determinations, are generally applicable to a pay challenge.

* * * * *

PAR. 7. Section 401.502 is amended by revising paragraph (b) to read as follows:

§ 401.502 Violations.

* * * * *

(b) *Investigative procedure.* A person who is issued a notice of violation will be given an opportunity to explain his position with respect to the alleged violation prior to the submission of the case by the district director to a U.S. attorney unless compelling reasons exist to the contrary. (See § 401.5 for rules relating to service.) The principal (the person to whom the notice was issued) will be granted an interview if he makes a request to the appropriate district director within 2 days after the date of receipt of the notice of violation. The interview will be held within a reasonable time after the receipt by the district director of the request for an interview, but in no event more than 5 days after the receipt of such request. At this interview, the principal may have counsel present and will be informed, by a general oral statement, of the features of his case which are alleged to show a violation of economic stabilization regulations and guidelines and, at the same time, there will be made available to the principal sufficient facts, figures, and legal analysis to acquaint him with the nature, basis, and other essential elements of the alleged violation. The principal may not make an appeal pursuant to the provisions of Subpart G of this part.

* * * * *

PAR. 8. The heading of Subpart G is revised to read as follows:

Subpart G—Appeals and Reconsiderations

PAR. 9. Immediately preceding § 401.601 a center heading is added to read as follows:

APPEALS

PAR. 10. Section 401.601 is revised to read as follows:

§ 401.601 Right to appeal.

Any person who is—

(a) A person aggrieved (as defined in § 401.2), except a person aggrieved by a ruling, or

(b) Subject to any provision of an interpretation,

may appeal in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the interpretation was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in paragraph (b) of § 401.502 may not make an appeal pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation issued to him. Any appeal filed by or on behalf of a person not subject to the provision protested, or otherwise not in accordance with this subpart, may be rejected by the appropriate district director. See § 401.502(b) for the appeal procedure applicable in the case of a principal.

PAR. 11. Section 401.602 is amended by revising paragraph (b) to read as follows:

§ 401.602 Time and place for filing appeal.

* * * * *

(b) The issuance of the interpretation referred to in such section with the district director whose office processed the appellant's request for determination with respect to which such interpretation was issued.

PAR. 12. Section 401.603 is amended by revising paragraph (b) to read as follows:

§ 401.603 Contents of appeal.

* * * * *

(b) A copy of the interpretation,

* * * * *

PAR. 13. Section 401.604 is amended by revising paragraph (c) to read as follows:

§ 401.604 Action by district conferee on appeal.

* * * * *

(c) Notice of any such action taken by the district conferee shall promptly be issued to the appellant. In any case in which an appeal has been denied in whole or in part, the appellant shall be advised by such notice that he may file an appeal with the Cost of Living Council, Pay Board, or Price Commission in accordance with the provisions of §§ 105.20 through 105.28 of this title, §§ 205.20 through 205.28 of this title, or §§ 305.20 through 305.28 of this title, respectively.

* * * * *

PAR. 14. Section 401.605 is revised to read as follows:

§ 401.605 Effect of decision upon appeal.

A decision of a district conferee pursuant to § 401.604 shall be binding on all Service personnel and may only be reversed, upon appeal, by the Cost of Living Council, Pay Board, or Price Commission as appropriate, pursuant to the provisions of this title or by a final court decision.

PAR. 15. Immediately following § 401.605 the following new sections and a center heading are added to Subpart G of 6 CFR Part 401 to read as follows:

RECONSIDERATIONS

§ 401.606 Right to reconsideration.

Any person who is—

(a) A person aggrieved (as defined in § 401.2) by a ruling, or

(b) Subject to any provision of a ruling,

may request a reconsideration of a ruling issued by the Office of the Chief Counsel (Stabilization Division) on or after April 1, 1972, in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the ruling was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in paragraph (b) of § 401.502 may not make a request for reconsideration pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation issued to him. Any request for reconsideration filed by or on behalf of a person not subject to the provision protested, or otherwise not in accordance with this subpart, may be rejected by the Office of the Chief Counsel (Stabilization Division). See § 401.502(b) for the appeal procedure applicable in the case of a principal.

§ 401.607 Time and place for filing request for reconsideration.

Any request for reconsideration referred to in § 401.606 shall be filed within 10 days of the issuance of the ruling referred to in such section with the Office of the Chief Counsel for the Internal Revenue Service, Attention: Director, Stabilization Division, CC:S:A, Washington, D.C. 20224.

§ 401.608 Contents of the request.

Every request for reconsideration shall set forth:

(a) The name, address, and identifying number of the person seeking the reconsideration,

(b) A copy of the ruling,

(c) A clear and concise statement of all objections raised by the person seeking the reconsideration against the provision or provisions objected to, and

(d) Whether or not a conference is desired.

The person seeking the reconsideration must also include with his request a statement of his views as to the affect of economic stabilization regulations and guidelines upon the subject act or transaction and furnish a statement of relevant authorities to support such views.

§ 401.609 Action by Office of the Chief Counsel on Reconsideration.

The Office of the Chief Counsel (Stabilization Division) shall process and decide a request for reconsideration pursuant to the procedural rules of this section:

(a) Within a reasonable time after the filing of any request for reconsideration in accordance with this subpart, but in no event more than 10 days after such filing, the Stabilization Division shall:

(1) Grant or deny such request in whole or in part,

(2) Advise the person seeking a reconsideration in writing that, in accordance with the established procedures, a decision will be delayed, or

(3) If a conference has been requested and granted, issue a notice of the date it is to be held (see § 401.701).

(b) Where a conference on a request for reconsideration has been granted, the Stabilization Division shall, within 10 days after such conference, grant or deny such request in whole or in part.

(c) Notice of any such action taken by the Stabilization Division shall promptly be issued to the person seeking a reconsideration. In any case in which a request has been denied in whole or in part, the person seeking a reconsideration shall be advised by such notice that he may file an appeal with the Cost of Living Council, Pay Board, or Price Commission in accordance with the provisions of §§ 105.20 through 105.28 of this title, §§ 205.20 through 205.28 of this title, or §§ 305.20 through 305.28 of this title, respectively.

For purposes of this title, the denial of a request for reconsideration in whole or in part by the Stabilization Division pursuant to this section shall be considered a final action by the Internal Revenue Service.

§ 401.610 Effect of a ruling by the Stabilization Division.

A ruling issued by the Stabilization Division or a decision of the Stabilization Division pursuant to § 401.609 shall be binding on all Service personnel and may only be reversed, upon appeal, by the Cost of Living Council, Pay Board, or Price Commission, as appropriate, pursuant to the provisions of this title or by a final court decision.

§ 401.611 Copy of appeal required when appeals are taken to the Council, Board, or Commission.

Any person qualified under § 401.606 to request a reconsideration may file an appeal with the Cost of Living Council, Pay Board, or Price Commission without seeking a reconsideration or after his request for reconsideration is denied in whole or in part. If an appeal is filed without the seeking of a reconsideration, the right to such reconsideration is forfeited. A copy of the appeal shall be sent to the Office of the Chief Counsel for the Internal Revenue Service, Attention: Director, Stabilization Division, CC:S:A, Washington, D.C. 20224.

Because of the need for immediate guidance from the Internal Revenue Service with respect to the subject matter of this regulation, it is found impracticable to issue such regulation with notice and public procedure thereon under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(Economic Stabilization Act of 1970 as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order No. 11640 (37 F.R. 1213, January 27, 1972), Cost of Living Council Order No. 8 (37 F.R. 2727, February 4, 1972), Pay Board Order No. 4 (37 F.R. 3792, February 19, 1972), Price Commission Order No. 2 (37 F.R. 3212, February 12, 1972))

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

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

[FR Doc.72-4996 Filed 3-31-72;8:47 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

Miscellaneous Amendments

Under authority contained in the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056) the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59).

Statement of considerations. On February 5, 1972, a rule making proposal was published in the FEDERAL REGISTER (37 F.R. 2775) setting forth proposed miscellaneous amendments to the eggs and egg products inspection regulations which govern the program created by the Egg Products Inspection Act. The purpose of the proposed amendments was to clarify certain sections of the regulations and provide more specific information for persons affected by the Act and make some changes in the facility requirements and operating procedures for egg products plants.

An additional rule making proposal concerning labeling requirements when water is added to egg products was published on February 12, 1972, in the FEDERAL REGISTER (37 F.R. 3187).

Except as further stated herein, the bases and considerations stated in the above notices of rule making are adopted and made a part hereof.

Twenty comments were received on the two proposals, 14 of which were from affected persons in the egg and egg products industry, four were from trade organizations, and two were from other interested persons.

There were several comments in opposition to the proposed requirements for a separate refuse room for egg products plants on the basis that this would be unnecessary when refuse is regularly removed from the plant. However, unless refuse is confined to a specific closed room, it is difficult to maintain sanitation and control odors. Both a refuse room and a prompt disposal system for such refuse are fundamental and necessary to the production of wholesome egg products.

A number of constructive comments were received suggesting clarification of certain of the proposed amendments. Because of the merit of these suggestions they have been incorporated in the following changes in the proposed miscellaneous amendments published February 5:

1. Section 59.500(o) would require refuse rooms to be completely enclosed without doorways opening into breaking or processing rooms. There is no objection to such rooms opening into the transfer room since there is no exposed product in this room and most refuse material would move directly from the transfer room to the refuse room. This section has been reworded to make it clear that transfer rooms are not considered processing rooms.

2. A number of comments were received from egg producers who are not under official supervision who ship inedible shell eggs to drying plants where the product is processed for industrial use or for animal food. They contend that coloring the eggs or decharacterizing them as required in § 59.720 produces an undesirable dried product for animal use. If adequate controls can be maintained on the shipment and receipt of this product, coloring the shells or decharacterization would not be necessary. Whether adequate controls can be maintained would be determined on an individual basis. Accordingly, § 59.720(a)(3) has been changed to permit procedures other than those listed when approved by the Administrator for handling eggs to be processed for industrial use or for animal food.

Provision for shipping nondenatured or nondecharacterized egg product under Government seal had been proposed in § 59.720, but was inadvertently omitted from § 59.504(c). The provision has been added to § 59.504(c).

3. Section 59.506(c) was interpreted by many industry people to mean that special exhaust systems or vents would be required in all cases to remove steam, vapors, or odors originating from the shell egg washing equipment. In some cases, the main exhaust system for the room in which this washing equipment is located takes care of the problem without the need of special systems for the washing equipment. This section has been reworded to clear up the misunderstanding.

4. Section 59.522(aa)(2) would require the pipelines and pumping systems for pumping egg liquid directly from breaking machines to be cleaned or flushed approximately every 4 hours or as often as needed to maintain them in a sanitary condition.

After consideration of comments, it appears that the 4-hour requirement is unnecessarily restrictive for pipelines since they are a closed system and not as vulnerable to contamination as other equipment. Therefore, the section has been reworded to require pipelines to be cleaned or flushed "as often as necessary to maintain them in a sanitary condition."

5. In § 59.720(a)(4) reference was only made to restricted eggs without

specifying the type of eggs involved in the coloring or decharacterizing requirements. Clarification has been made to indicate that this section refers to loss and inedible eggs.

Also in § 59.720(a)(4), provision has been made to ship lots of eggs directly to breaking plants when they contain edible eggs and a significant percent of blood or meat spots, but no other types of loss and inedible eggs. Such lots of eggs would be labeled "Spots—For Processing Only in Official Egg Products Plants." These eggs contain a high percentage of wholesome salvageable product. The labeling provision makes it possible to avoid recandling the product in shell egg plants and to efficiently utilize this product in official egg products plants by processing it in a special manner.

With respect to the proposal on labeling when water is added to egg products published in the FEDERAL REGISTER on February 12 amending § 59.720(c)(1) in the proposal published February 5, the comments reflected some confusion as to whether dried eggs were involved and whether water added to ingredients to be added to egg products was covered in the proposal. Accordingly, this section is clarified to indicate that it applies only to liquid and frozen eggs, and the water indicated on the label includes that added to the ingredient of an egg product (in excess of the normal water content of that ingredient). A few other minor changes are made solely for the sake of clarity.

The amendments are as follows:

1. In § 59.5 definition of "Egg," subpararaph (3), "Dirty egg" is amended to read:

§ 59.5 Terms defined.

* * * * *

"Egg" * * *

(3) "Dirty egg" or "Dirties" means an egg(s) that has a shell that is unbroken and has adhering dirt, foreign material, or prominent stains.

* * * * *

2. Section 59.40 is amended to read:

§ 59.40 Continuous inspection not provided.

Continuous inspection shall not be provided under this part at any plant for the processing of any egg products which are not intended for use as human food, but such articles prior to their offer for sale or transportation in commerce shall be denatured or decharacterized unless shipped under seal as authorized in section 504(c) and 720(a), and identified as prescribed by the regulations in this part to prevent their use for human food. Periodic inspections shall be made of such operations and records to assure compliance with the Act and the regulations in this part.

3. In § 59.45, paragraph (a) is amended to read:

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation in commerce, any eggs or egg products which are not intended for use as human food, unless they are denatured or decharacterized, unless shipped under seal as authorized in section 504(c) and 720(a) and identified as required by the regulations in this part.

* * * * *

4. In § 59.128, paragraph (b) is amended to read:

§ 59.128 Holiday inspection service.

* * * * *

(b) The term "holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code. Information on legal holidays may be obtained from the supervisor.

5. In § 59.160, paragraphs (d) (1) and (2) and (e) are amended and new subparagraphs (3) and (4) are added to paragraph (f) to read:

§ 59.160 Refusal, suspension, or withdrawal of service.

* * * * *

(d)(1) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b) (2) and (3) of the Federal Water Pollution Control Act, as amended (84 Stat. 91), to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency, or the Administrator of the Environmental Protection Agency to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request). Further, upon receipt of an application for inspection and a certification as required by subsection 21(b) of the Federal Water Pollution Control Act, the Administrator (as defined in § 59.5) is required by subparagraph (2) of said subsection to notify the Administrator of the Environmental Protection Agency for proceedings in accordance with that subsection. No grant of inspection can be made until the requirements of said subparagraph (2) have been met.

(2) However, certification is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification and meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such plant on that date. In the case of any activity which will affect water quality, but for which there are no applicable water quality standards, no certification is required prior to a grant of inspection, but such grant will be conditioned upon a requirement of compliance with the purposes of the Federal Water Pollution Control Act as provided in subsection 21(b)(9) of said Act.

(e) Inspection may also be suspended, revoked, or terminated as provided in section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466, et seq. and Public Law 91–224).

(f) *Suspension of plant approval and withdrawal of service.* * * *

(3) The operator shall be notified of the withdrawal action and the reasons therefor and afforded an opportunity to present his views informally prior to the effective date of such withdrawal, and upon written request, he shall be afforded an opportunity for a hearing in accordance with the applicable rules of practice (Part 50 of this chapter), with respect to the merits or validity of the withdrawal, but such a suspension or other withdrawal shall continue in effect pending the outcome of any such hearing unless otherwise ordered by the Administrator.

(4) In any case where inspection service is suspended under this paragraph (f), such service, after appropriate corrective action is taken, will be restored immediately, or as soon thereafter as an inspector can be made available. In any case where inspection service is withdrawn for a specified period under this paragraph (f), the person concerned may, after said specified period has expired, apply for inspection service as provided in §§ 59.140 through 59.146.

6. Section 59.200 is amended to read:

§ 59.200 Records and related requirements.

(a) Persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce, or holding such articles so received, and all egg handlers, including hatcheries, shall maintain records showing, for a period of 2 years, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of an authorized representative of the Secretary, permit him, at reasonable times, to have access to and to copy all such records.

(b) Production records by categories of eggs such as graded eggs, nest-run eggs, dirties, checks, leakers, loss, inedible, etc., bills of sale, inventories, receipts, shipments, shippers, receivers, dates of shipment and receipt, carrier names, etc., as determined by the Administrator, shall be maintained by all shell egg handlers and egg processing operations, except that, (1) producers who ship all of their production as nest-run eggs without segregation need only to maintain records indicating the amount of shell eggs shipped, date of shipment, and the receivers' name and address, and (2) official egg products plants which use all shell eggs received

and do not reship any shell eggs need only to maintain records indicating the amount of eggs received, date received, and the name and address of the shipper.

7. Section 59.240 is amended to read:

§ 59.240 Detaining product.

Whenever any eggs or egg products subject to the Act are found by any authorized representative of the Secretary upon any premises, and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of the Act or the regulations in this part, or that they are in any other way in violation of the Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations in this part, such articles may be detained by such representative for a period not to exceed 20 days, as more fully provided in section 19 of the Act. A detention tag or other similar device shall be used to identify detained product, and the custodian or owner shall be given a written notice of such detention. Only authorized representatives of the Secretary shall affix or remove detention identification. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of the Act, the regulations in this part, or other laws.

8. Section 59.411 is amended to read:

§ 59.411 Requirement of formulas and approval of labels for use in official egg products plants.

(a) No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless it is approved by the Administrator in accordance with paragraph (b) of this section. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with the regulations in this part, the Egg Products Inspection Act, the Federal Food, Drug, and Cosmetic Act, and the Fair Packaging and Labeling Act. The finished copies or samples or such label must be submitted to the Administrator for approval. Copies of each label submitted for approval shall be accompanied by:

(1) A statement showing by their common or usual names the kinds and percentages of the ingredients comprising the egg product in the form in which it is to be used (i.e., liquid or dried). Approximate percentages (range) may be given in cases where the percentages may vary from time to time.

(2) When required, scientific data demonstrating that the substance or mixture is safe and effective for its intended use and does not promote deception or cause the product to be otherwise adulterated or misbranded.

(c) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions. When water (excluding that used to reconstitute dehydrated ingredients back to their normal composition) is added to a liquid or frozen egg product or to an ingredient of such products (in excess of the normal water content of that ingredient), the total amount of water added, including the water content of any cellulose or vegetable gums used, shall be expressed as a percentage of the total product volume in the ingredient statement on the label. This subparagraph (1) is effective September 1, 1972;

(2) The name, address, and ZIP code of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs or the egg product produced from such shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs," "Frozen whole chicken and turkey eggs." Egg products labeled without qualifying words as to the type of shell egg used in the product shall be produced only from the edible shell egg of the domesticated chicken or the egg product produced from such shell eggs.

(d) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

(e) If the Administrator has reason to believe that the statement on formulation shows the product to be adulterated or misbranded or that any labeling, or the size or form of any container in use or proposed for use in respect to egg products at any official plant is false or misleading in any way, he may direct that such use be withheld unless the labeling or container is modified in such a manner as he may prescribe so that it will not be false or misleading, and/or the formulation of the product is altered in such a manner that he may prescribe so that it is not adulterated or would not cause misbranding. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial on a form approved by the Administrator. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing by filing with the Administrator within 10 days after receiving the notice of denial, a written application for a hearing setting forth specifically, the errors alleged to have been made by the Administrator in denying approval of the label. The use of the label shall be withheld pending hearing and final determination by the Administrator if the Administrator so directs. Hearings held pursuant to this subsection shall be presided at by the Administrator. The applicant shall be given the opportunity to present evidence both oral and written in support of his allegation that the Administrator erred in denying approval of the label. The notice of denial together with all other available data and information used as a basis for such denial shall be considered part of the record. The Administrator may take official notice of such matters as are judicially noticed by the Courts of the United States and of any other matter of technical, scientific, or commercial fact of established character. The Administrator shall make his final determination with respect to the matter upon the basis of evidence before him. Such determination shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

9. In § 59.500, a new paragraph (o) is added to read:

§ 59.500 Plant requirements.

* * * * *

(o) Refuse rooms shall be provided for the accumulation and storage of shells, trash, and other refuse. They shall be separate rooms completely enclosed without doorways opening into breaking rooms or rooms where egg products or packaging materials are handled or stored and have concrete floors with approved drains, facilities for cleaning, and an approved exhaust system vented to the outside.

10. In § 59.504 paragraphs (c) and (o) (3) (iii) are amended and a new paragraph (q) is added to read, respectively:

§ 59.504 General operating procedures.

* * * * *

(c) All loss and inedible eggs or egg products shall be placed in a container

clearly labeled inedible and containing an approved denaturant or decharacterant such as FD&C blue, black, or green colors, meat or bone meal, or any other substance, as approved by the Administrator, that will accomplish the purposes of this section. Shell eggs shall be crushed and the substance shall be dispersed through the product in amounts sufficient to give the product a distinctive appearance or odor. Notwithstanding the foregoing, and upon permission of the inspector, the applicant may hold inedible product in containers clearly labeled inedible which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labled, segregated, and inventory controls are maintained. In addition, product shipped from the official plant for industrial use or animal food need not be denatured or decharacterized if it is shipped under Government seal and is received by an inspector or grader as defined in this part.

* * * * *

(o) * * *

(3) * * *

(iii) The applicant shall acknowledge receipt of each shipment by indicating on the reverse side of the USDA certificate, "The quantity of nonpasteurized egg product stated on this certificate was received at _____," the blank being filled in with the name and address of the receiving company and the date and signature of the person completing the form. The certificate shall be returned to the USDA inspector at the origin plant.

* * * * *

(q) All liquid and solid waste material in the official plant shall be disposed of in a manner approved by the Administrator to prevent product contamination and in accordance with acceptable environmental protection practices.

11. In § 59.506, paragraph (c) is amended to read:

§ 59.506 Candling and transfer-room facilities and equipment.

* * * * *

(c) An approved exhaust system shall be provided for the continuous removal directly to the outside of any steam, vapors, odors, or dust in the room. The room shall be maintained at reasonable working temperatures during operations.

* * * * *

12. In § 59.520, paragraph (i) is amended to read:

§ 59.520 Breaking room facilities.

* * * * *

(i) A separate drawoff room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closed packaging systems.

13. In § 59.522, paragraph (aa)(2) is amended to read:

§ 59.522 Breaking room operations.

* * * * *

(aa) * * *

(2) Systems for pumping egg liquid directly from egg breaking machines shall be of approved sanitary design and construction, and designed to minimize the entrance of shells into the system and be disconnected when inedible eggs are encountered. The pipelines of the pumping system shall be cleaned or flushed as often as needed to maintain them in a sanitary condition, and they shall be cleaned and sanitized at the end of each shift. Other pumping system equipment shall be cleaned and sanitized approximately every 4 hours or as often as needed to maintain it in a sanitary condition. All liquid egg pumped directly from egg breaking machines shall be reexamined, except as otherwise prescribed and approved by the Administrator.

* * * * *

14. Section 59.690 is amended to read:

§ 59.690 Persons required to register.

Shell egg handlers, except for producer-packers with an annual egg production from a flock of 3,000 hens or less, who grade and pack eggs for the ultimate consumer (e.g., retail stores, households, restaurants, institutions, food manufacturers, etc.), and hatcheries, prior to July 1, 1972, are required to register with the U.S. Department of Agriculture by furnishing their name, place of business, and such other information as is requested on forms provided by and/or available from the U.S. Department of Agriculture. Completed forms shall be sent to the addressee indicated on the form. Persons as those listed above who establish businesses after July 1, 1972, will be required to register before they start operations.

15. In § 59.720, paragraph (a) is amended to read:

§ 59.720 Disposition of restricted eggs.

(a) Eggs classified as checks, dirties, incubator rejects, inedibles, leakers, or loss shall be disposed of by one of the following methods at point and time of segregation:

(1) Checks and dirties may be shipped directly or indirectly to an official egg products plant for segregation and processing when labeled in accordance with § 59.800. Inedibles and loss eggs shall not be intermingled in the same containers with checks and dirties.

(2) By destruction in a manner approved by the Administrator, such as crushing and denaturing or decharacterizing in accordance with § 59.504(c) and identifying the product as "Inedible Egg Product—Not To Be Used As Human Food."

(3) Processing for industrial use or for animal food. Such product shall be denatured or decharacterized in accordance with § 59.504(c) and identified as provided in §§ 59.840 and 59.860, or handled in accordance with other procedures approved by the Administrator. Notwithstanding the foregoing, product which was produced under official supervision and transported for industrial use or animal food need not be denatured or decharacterized if it is shipped under Government seal and received by an inspector or grader as defined in this part.

(4) By coloring the shells of loss and inedible eggs with a sufficient amount of FD&C color to give a distinct appearance, or applying a substance that will penetrate the shell and decharacterize the egg meat. Except that, lots of eggs containing significant percentages of blood or meat spots, but no other types of loss or inedible eggs, may be shipped directly to official egg products plants, provided they are conspicuously labeled "Spots—For Processing Only In Official Egg Products Plants."

(5) Incubator rejects shall be broken or crushed and denatured or decharacterized in accordance with § 59.504(c) and labeled as required in §§ 59.840 and 59.860.

* * * * *

16. Section 59.800 is amended to read:

§ 59.800 Identification of restricted eggs.

The shipping container of restricted eggs shall be determined to be satisfactorily identified if such container bears the packer's name and address, the quality of the eggs in the container (e.g., dirties, checks, inedibles, or loss), or the statement "Restricted Eggs—For Processing Only In An Official USDA Egg Products Plant," for checks or dirties, or "Restricted Eggs—Not To Be Used As Human Food," for inedibles, loss, and incubator rejects, or "Restricted Eggs—To Be Regraded" for graded eggs which contain more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. The size of the letters of the identification wording shall be as required in § 59.860.

17. Section 59.860 is amended to read:

§ 59.860 Identification wording.

The letters of the identification wording shall be legible and conspicuous.

18. In § 59.905, paragraph (a) is amended to read:

§ 59.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.

(a) No containers of restricted eggs other than checks or dirties shall be imported into the United States. The shipping containers of such eggs shall be identified with the name, address, and country of origin of the exporter, and the quality of the eggs (e.g., checks, or dirties) preceded by the word "Imported" or the statement "Imported Restricted Eggs—For Processing Only In An Official USDA Plant," or "Restricted Eggs—Not To Be Used As Human Food." Such identification shall be legible and conspicuous.

* * * * *

19. In § 59.930, paragraph (d) is amended to read:

§ 59.930 Imported eggs and egg products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.

* * * * *

(d) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import seal of the U.S. Department of Agriculture, except customs officers or inspectors, or as provided in paragraph (f) of this section.

* * * * *

20. In § 59.945, paragraph (a) is amended to read:

§ 59.945 Foreign eggs and egg products offered for importation; reporting of findings to customs; handling of products refused entry.

(a) Inspectors shall report their findings to the collector of customs at the port where products are offered for entry, and shall request the collector to refuse entry to eggs or egg products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with the regulations in this part. Unless such products are exported by the consignee within a time specified by the collector of customs (usually 30 days), the consignee shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the District Director of Customs.

* * * * *

21. Section 59.960 is amended to read:

§ 59.960 Small importations for consignee's personal use, display, or laboratory analysis.

Any eggs or egg products which are offered for importation, exclusively for the consignee's personal use, display, or laboratory analysis, and not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and does not contain any substance not permitted by the Act or regulations, may be admitted into the United States without a foreign inspection certificate. Such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part: *Provided,* That the Department may, with respect to any specific importation, require that the consignee certify that such product is exclusively for the consignee's personal use, display, or laboratory analysis and not for sale or distribution. The amount of such product imported shall not exceed 30-dozen shell eggs, 30 pounds of liquid or frozen eggs, or 50 pounds of dried egg products, unless otherwise authorized by the Administrator.

Issued at Washington, D.C., this 28th day of March 1972, to become effective July 1, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5004 Filed 3-31-72;8:46 am]

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

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On March 15, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5391) regarding proposed expenses and the related rate of assessment for the period November 1, 1971, through October 31, 1972, and carryover of unexpended funds from the period November 1, 1970, through October 31, 1971, pursuant to the marketing agreement as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1971, through October 31, 1972, will amount to $243,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.013 per carton of Valencia oranges.

(c) *Reserve.* Unexpended funds, in excess of expenses incurred during the fiscal year ended October 31, 1971, in the amount of $15,000 are carried over as a reserve in accordance with § 908.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1971, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: March 28, 1972.

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

[FR Doc.72-5003 Filed 3-31-72;8:46 am]

[Lemon. Reg. 527]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.827 Lemon Regulation 527.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 28, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 2, 1972, through April 8, 1972, is hereby fixed at 200,000 cartons.

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

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

Dated: March 29, 1972.

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

[FR Doc.72–5090 Filed 3–31–72;8:50 am]

[Orange Reg. 2]

PART 914—ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 914.302 Orange Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and this part (Order No. 914), regulating the handling of oranges grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Interior Orange Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the regulation stems from the current market situation which reflects a continued weakness in prices for Florida Interior oranges, and a strong threat that shipments during next week, in the absence of regulations, would be in excess of the market demand. Such excess shipments would most likely further depress prices for Florida Interior oranges, which at the end of February 1972, were only 76 percent of parity. The need for the regulation is also based on the prospective marketing conditions. The present market is slow and there are no indications of an improvement in the demand. Thus, a regulation is needed to prevent excessive shipments during the week of April 3 through April 9, 1972.

(3) There is not sufficient time to give preliminary notice and engage in public rule-making procedure because (i) volume shipments of Florida Interior District oranges are currently regulated pursuant to Orange Regulation 1 (37 F.R. 6179) and determinations as to the need for, and extent of, continued regulation of volume shipments of such oranges must await the availability of information on the demand for such fruit, (ii) information on the current and prospective market conditions during the period April 3 through April 9, 1972, could not be fully evaluated before March 28, 1972, and (iii) shipments likely to be made in the absence of regulations, and the amount of oranges needed to satisfy the market demand for the period April 3 through April 9, 1972, could not be anticipated at an earlier date.

(4) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Interior oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 28, 1972.

(b) *Order.* (1) The quantity of oranges grown in the Interior District which may be handled during the period April 3 through April 9, 1972, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "oranges," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: March 30, 1972.

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

[FR Doc.72–5126 Filed 3–31–72;8:50 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 10]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets at the United States Merchant Marine Academy

TRAINING ON SUBSIDIZED VESSELS

Effective upon the date of publication in the FEDERAL REGISTER (4–1–72), § 310.58 of this subpart is amended by changing the first sentence of paragraph (c) thereof to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * *

(c) *Pay.* Cadets, while attached to merchant vessels, shall receive pay at the rate of $265.35 per month from their steamship company employers. * * *

(Sec. 204, 49 Stat. 1897, as amended; 46 U.S.C. 1114)

Dated: March 23, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72–4981 Filed 3–31–72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–59, Amdt. 24]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation of Authority to Director, Bureau of Operating Rights, to Waive Charter Regulations in Certain Cases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of March 1972.

The Director, Bureau of Operating Rights, presently has delegated authority to waive certain sections of Parts 378 and 378a of the Board's Special Regulations.[1] The past year has brought a marked increase in requests for waivers of various other portions of the Board's charter regulations.

We have determined to delegate to the Director, Bureau of Operating Rights, the authority to grant or deny such requests in cases where there is established Board precedent for such action. Additionally, we have determined to delegate to the Director, Bureau of Operating Rights, specific authority to waive the procedural filing time requirements of Part 373.[2]

Since the amendment provided for herein is a rule of agency organization, the Board finds that notice and public procedure are unnecessary and the rule may be made effective immediately.

In consideration of the foregoing, the Board hereby amends § 385.13 of the Organization Regulations (14 CFR Part 385), effective March 28, 1972, by revising paragraph (v)(2) and adding a new

[1] Section 385.13(v).

[2] The Director already has delegated authority to waive the procedural filing requirements of §§ 378.10 and 378a.10.

paragraph (cc), the section as amended to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(v) With respect to * * *

(2) Grant or deny waivers of the respective filing time requirements of Parts 373, 378, and 378a of this chapter.

* * * * *

(cc) Grant or deny requests for waiver of Parts 207, 208, 212, 214, 373, 378, and 378a of this chapter, where grant or denial of the request is in accordance with established Board precedent.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989; 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

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

[FR Doc.72-5027 Filed 3-31-72;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2161]

PART 13—PROHIBITED TRADE PRACTICES

Cosmaw, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-225 Personnel or staff: 13.15-265 Service; § 13.-225 *Services.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1553 *Services;* Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Cosmaw, Inc., Omaha, Nebr., Docket No. C-2161, March 1, 1972]

In the Matter of Cosmaw, Inc., a Corporation, and Waldo E. Brown, Individually and as an Officer of said Corporation, and Lloyd C. McCord, Individually and as a Manager of said Corporation

Consent order requiring an Omaha, Nebr., corporation allegedly operating social clubs for single, divorced and/or widowed persons to cease misrepresenting that such social clubs are in actual operation, that such clubs operate 7 nights a week, that they offer dancing, cards, ping-pong, bowling and other recreational activities, that prospective members will help form the clubs' boards of directors, that any portion of the monies paid to the clubs is tax-free, failing to give notice that payment notes may be sold, and failing to include in contracts a provision for cancellation within 3 days. Respondents are also required to give notice to customers that they are not licensed to do business in Missouri or Kansas and that no social club was ever opened in Kansas City.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That Cosmaw, Inc., a corporation, and its officers, and Waldo E. Brown, individually and as an officer of said corporation, and Lloyd C. McCord, individually and as a manager of said corporation, and respondents' agents, representatives, salesmen, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, and sale of social club memberships or other services or products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents operate or will operate any social club or any other type of business, unless such club or business is actually in operation and offering all services prior to the actual advertisement, solicitation, and or/sale of memberships in said club or business.

2. Representing, directly or by implication, that respondents have conducted any survey concerning the demand for the memberships or services of their social clubs.

3. Representing, directly or by implication, that respondents' social clubs are open seven (7) nights a week, or for any other period of time, other than the actual hours of operation of such clubs.

4. Representing, directly or by implication, that respondents' social clubs offer dancing, singing, billiards, cards, ping-pong, TV, and a cash bar and food, unless such be the fact.

5. Representing, directly or by implication, that respondents' social clubs provide courses of instruction in dancing, bridge, public speaking, art, drama, and investment clubs.

6. Representing, directly or by implication, that respondents' social clubs offer group activities consisting of bowling, dinner parties, swimming, theatre, picnics, and group vacations.

7. Representing, directly or by implication, that the board of directors of respondents' social clubs are made up of doctors, clergymen, bankers, attorneys, and/or members of any other profession not actually represented on the board of directors.

8. Representing, directly or by implication, that any of respondents' members are designated "charter members" and help to form an advisory board, which governs the operation of respondents' social clubs.

9. Representing, directly or by implication, that the membership in respondents' social clubs is limited as to age group or in any other manner.

10. Representing, directly or by implication, that prospective members for respondents' social clubs are carefully screened and their personal references checked.

11. Representing, directly or by implication, that any portion of monies paid to respondents is sales tax, unless such money is remitted to the proper taxing authority.

12. Representing, directly or by implication, that respondents' memberships in its social clubs are constituted of an equal number of men and women.

13. Representing, directly or by implication, that respondents' memberships may be transferred and/or sold.

14. Representing, directly or by implication, that respondents and/or their memberships contribute to or sponsor any charitable organization.

15. Failing to incorporate the following statement on the face of all contracts, notes, or other evidence of indebtedness executed by or on behalf of respondents' customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

16. Assigning, selling or otherwise transferring respondents' notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other documents evidencing the indebtedness.

17. Contracting for any sale, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of consummation of the transaction.

18. Failing to refund immediately all monies to customers who have requested contract cancellation in writing within three (3) days from the execution thereof:

Provided, That the prohibitions contained in sections 15 through 18 above shall not apply in those instances when respondents do not own an interest in the business in question, or formulate, direct, control and/or manage its business acts and practices.

II. *It is further ordered,* That respondents, Cosmaw, Inc., a corporation, and its officers, and Waldo E. Brown, individually and as an officer of said corporation, and Lloyd C. McCord, individually and as a manager of said corporation, trading under said corporate name or trading or doing business under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the consumer credit sale of memberships or services, or any other products or services, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth

in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), forthwith cease and desist from:

1. Failing to disclose the annual percentage rate, where and when required by Regulation Z to be used, to the nearest quarter of one (1%) percent, in accordance with § 226.5(b)(1) of Regulation Z.

2. Failing to disclose accurately the sum of the payments scheduled to repay the indebtedness and to describe that sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

3. Failing to disclose the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, and further failing to disclose the amount or method of computation of any charge that may be deducted from the amount of any rebate to be credited to the obligation or refunded to the customer, as required by § 226.8(b)(7) of Regulation Z.

4. Failing to use the term "cash price" to designate the cash price of the property or service which is the subject of the transaction, as required by § 226.8(c)(1) of Regulation Z.

5. Failing to disclose the amount of any downpayment in money as the "cash downpayment," using that term, as required by § 226.8(c)(2) of Regulation Z.

6. Failing to disclose the difference between the cash price and the cash downpayment, using the term "unpaid balance of cash price," as required by § 226.8(c)(3) of Regulation Z.

7. Failing to disclose accurately the amount financed or failing to describe that amount as the "amount financed," as required by § 226.8(c)(7) of Regulation Z.

8. Failing to disclose the finance charge accurately, computed in accordance with § 226.4 of Regulation Z, as required by § 226.8(c)(8)(i) of Regulation Z.

9. Failing to disclose accurately the amount of the deferred payment price or failing to describe that amount as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

It is further ordered, That each and every customer who purchased a membership from Cosmaw, Inc., in the Metropolitan Kansas City Area be notified in writing that:

1. Cosmaw, Inc., is a Nebraska corporation, and is not authorized to do business in the States of Missouri and Kansas.

2. The retail time contracts and promissory notes executed in the States of Missouri and Kansas are not enforceable.

3. Educational Credit Bureau is not a holder in due course as concerns those retail time contracts and promissory notes assigned to it by respondents. Educational Credit Bureau had knowledge or reason to know that Cosmaw, Inc., was a foreign corporation and that the Cosmaw, Inc., social club was not open and never did open for business at 3217 Broadway, Kansas City, MO.

It is further ordered, That respondents provide each and every person who purchased a membership in the Kansas City metropolitan area a true and correct copy of this cease and desist order.

It is further ordered, That respondents, Waldo E. Brown and Lloyd C. McCord, not engage in the promotion, advertisement, solicitation, and/or sale of any type of membership, until such time as full restitution of all monies has been made to those persons who purchased a Cosmaw, Inc., membership in the Cosmaw club, which was to have been operated at 3217 Broadway, Kansas City MO.

It is further ordered, That respondents, Waldo E. Brown and Lloyd C. McCord, shall not act as an officer or director, or become an agent or employee of any corporation or partnership or other form of business engaged in the promotion, advertisement, or solicitation, and/or sale of any type of membership, until such time as full restitution of all monies has been made to each and every person who purchased a membership in Cosmaw, Inc., club, which was to be operated at 3217 Broadway, Kansas City, MO.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation, or any of them, which may affect compliance obligations arising out of this order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all of their present and future personnel, engaged in the offering for sale, or sale of memberships, services, or any other products or services, or in the consummation of any extension of consumer credit in connection with said sales transactions, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

Issued: March 1, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5032 Filed 3-31-72;8:49 am]

[Docket No. C-2162]

PART 13—PROHIBITED TRADE PRACTICES

H&R Block, Inc.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.185 *Refunds, repairs, and replacements;* § 13.225 *Services.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1725 *Refunds.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H&R Block, Inc., Kansas City, Mo., Docket No. C-2162, Mar. 1, 1972]

In the Matter of H&R Block, Inc., a Corporation

Consent order requiring a Kansas City, Mo., firm offering income tax preparation and other services to cease misrepresenting the terms and conditions of any guarantee, that respondent will reimburse customer for any addition he may have to make to his initial tax payment, that respondent will not assume liability for any additional taxes assessed, using information obtained from customer's tax data for purposes other than the tax return, and where respondent intends to transfer such information, to obtain customer's signature releasing the information.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent H&R Block, Inc., a corporation, and its officers, and respondent's employees, agents, representatives, or successors and assigns, directly or through any corporate or other device, in connection with the preparation of income tax returns or the compilation of customer mailing lists, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any guarantee without clearly and conspicuously disclosing the terms, conditions, and limitations of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

2. Representing, directly or by implication, that respondent will reimburse its customers for any payments the customer may be required to make in addition to his initial tax payment, in instances where such additional payments result from an error by respondent in the preparation of the tax return: *Provided, however,* Nothing herein shall prevent truthful representations that respondent will reimburse its customers for interest or penalty payments resulting from respondent's error.

3. Failing to disclose, clearly and conspicuously, whenever respondent makes any representation, directly or by implication, as to its responsibility for, or obligation resulting from, errors attributable to respondent in the preparation of tax returns, that respondent will not assume the liability for additional taxes assessed against the taxpayer.

4. Representing, directly or by implication, that respondent will provide legal representation to customers whose tax returns may be audited; or misrepresenting, in any manner, the type or manner of assistance provided by respondent to customers whose returns may be audited.

5. Using any information concerning any customer of respondent, including

the name and/or address of the customer, obtained as a result of the preparation of the customer's tax return for any purpose which is not essential or necessary to the preparation of said tax return, without clearly and conspicuously disclosing to the customer, prior to the obtaining of any information relative to the preparation of the tax return, that respondent intends to use the information for purposes other than the preparation of the customer's return, the exact information which will be used, the particular use which will be made of such information, and a description of the parties or entities to whom the information will be made available: *Provided, however,* That nothing herein shall prohibit respondent from using names and addresses only of customers for the purpose of communication with such customers solely concerning respondent's income tax preparation business.

6. Failing to provide each customer in instances where the information described in paragraph 5 hereof will be used for any purpose other than the preparation of the tax return, with a form to be signed by the customer prior to the obtaining of any such information clearly stating that respondent intends to use the information for purposes other than the preparation of the return, the exact information to be used, the particular use to be made of such information, a description of the parties or entities to whom the information will be made available, and a statement that the customer consents to the use of such information.

It is further ordered, That:

(a) Respondent herein deliver a copy of this decision and order to each of its present and future franchisees and any other persons, partnerships, or corporations authorized by respondent to engage in the commercial preparation of income tax returns.

(b) Respondent informs each such person so described in paragraph (a) above that respondent is obligated by the terms of this order to notify the Commission of persons who continue on their own the deceptive practices prohibited by this order.

(c) Respondent, in its continuing business dealings with each said person described in paragraph (a), take note of any failure to observe the requirements of this order and advise the Federal Trade Commission of such failure.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, send a letter to the last known address of each of its customers and the customers of its franchisees for the most recent past year, clearly and accurately explaining (1) the terms, conditions, and limitations of respondent's policy regarding its responsibility for, or obligation resulting from errors attributable to respondent in the preparation of tax returns; and (2) the type or manner of assistance provided by respondent to customers whose returns may be audited.

It is further ordered, That respondent herein shall notify the Commission at least 30 days prior to any proposed change in the structure of the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: March 1, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5033 Filed 3-31-72;8:49 am]

[Docket No. 8771 o]

PART 13—PROHIBITED TRADE PRACTICES

Skylark Originals, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; § 13.225 *Services;* §13.240 *Special or limited offers.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.* Subpart—Securing orders by deception: § 13.2170 Securing orders by deception.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Skylark Originals, Inc., et al., Asbury Park, N.J. Docket No. 8771, Mar. 9, 1972]

In the Matter of Skylark Originals, Inc., a Corporation, and Daniel Freedman and Beverly Freedman, Individually and as Officers of Said Corporation

Order requiring an Asbury Park, N.J., corporation selling ladies' clothing and wigs to cease misrepresenting the prices at which their merchandise has been sold and the savings available to purchasers, failing to make refunds on merchandise guaranteed, failing to maintain an adequate supply of merchandise advertised, and failing to make deliveries of products within time specified by respondents.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Skylark Originals, Inc., a corporation, and its officers, trading under its own name or under the name Patti Fashions or any other trade name or names, and Daniel L. Freedman and Beverly Freedman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of ladies' clothing, wigs, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the abbreviation "Reg." or the word "regular" or any other abbreviation, word, term, or expression of similar import or meaning to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents for a reasonably substantial period of time in the recent, regular course of their business; or misrepresenting, in any manner, the price at which such merchandise has been sold or offered for sale by the respondents.

2. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise; or misrepresenting, in any manner, the savings or amount of savings available to purchasers or prospective purchasers of respondents' merchandise.

3. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including representations as to former prices and similar representations of the type described in paragraphs 1 and 2 of this order are based, and (b) from which the validity of such claims and representations can be determined.

4. Failing, when request is made pursuant to a guarantee of satisfaction or of full refund and in accordance with the terms of such guarantee, to refund the purchase price of merchandise together with all charges paid by purchasers in connection with such purchase voluntarily and within the time specified in respondents' advertisements, or if no time is specified, within a reasonable time not to exceed 30 days from the date of receipt of the returned merchandise.

5. Failing to fulfill promptly all of respondents' obligations and requirements under the terms set forth in, or represented directly or by implication to be contained in, any guarantee in connection with the sale of said products.

6. Representing, directly or by implication, that any product or service is guaranteed, unless:

(1) The nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and

(2) The guarantor does in fact perform all of the actual and represented obligations under the terms of the guarantee.

7. Advertising for sale merchandise of a stated style, model, material, or color or other stated features or characteristics unless respondents have made arrangements to obtain, and to maintain, sufficient merchandise as so represented and described to fill all reasonably anticipated orders of such merchandise.

8. Representing, directly or by implication, that any offer is limited in time or in any other manner unless any represented limitation or restriction is actually imposed and in good faith adhered to.

9. Failing to make deliveries of products within the period of time specified by respondents or, if no time is specified, within a reasonable time, not to exceed 30 days from the date of receipt of the

order: *Provided, however,* That where an order for merchandise cannot be immediately filled for reasons beyond respondents' control, respondents shall promptly notify the prospective purchaser of such fact, stating the anticipated date of delivery and giving him the option of an immediate refund.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission within thirty (30) days after any change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the hearing examiner's initial decision as modified herein be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 9, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5034 Filed 3-31-72;8:49 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-91]

PART 153—ANTIDUMPING

Diamond Tips for Phonograph Needles from the United Kingdom

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that diamond tips for phonograph needles from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of November 20, 1971 (36 F.R. 22188, F.R. Doc. 71-17090).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), gives the U.S. Tariff Commission reponsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on Februrary 17, 1972, it notified the Secretary of the Treasury that an industry in the United States is being or is likely to be injured, or prevented from being established, by reason of the importation of diamond tips for phonograph needles from the United Kingdom, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of February 24, 1972 (37 F.R. 3932, F.R. Doc. 72-2688).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to diamond tips for phonograph needles from the United Kingdom.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Diamond tips for phonograph needles.	United Kingdom.	72-91

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

MARCH 22, 1972.

[FR Doc.72-5042 Filed 3-31-72;8:49 am]

Title 22—FOREIGN RELATIONS

Chapter VI—U.S. Arms Control and Disarmament Agency

PART 602—AVAILABILITY OF RECORDS

PART 603—STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Part 602 of Chapter VI of Title 22 of the Code of Federal Regulations is amended as follows:

1. The table of contents is amended as follows:

Subpart A—Communications and Reference Service Center

Sec.
602.10 Records in the Agency's Communications and Reference Service Center.

2. The title of Subpart A is revised to read as follows:

Subpart A—Communications and Reference Service Center

3. In § 602.2, paragraph (a) is revised to read as follows:

§ 602.2 Places where and methods whereby records may be inspected, copies obtained or requests made.

(a) Any person desiring records relative to arms control and disarmament matters in which the U.S. Arms Control and Disarmament Agency has been or is engaged, should apply in person between the hours of 9 a.m. and 5 p.m. on weekdays (holidays excluded) at the ACDA Communications and Reference Service Center in the Agency headquarters, Department of State Building, 320 21st Street NW., in Washington, DC, or write to the Chief, Communications and Reference Service Center at Agency headquarters if the petitioner is a resident of the United States. The request should specifically identify the document requested. An index identifying all records available to any person shall be kept on file at the Communications and Reference Service Center. Copies of this index may be obtained by writing to the Chief, Communications and Reference Service Center.

* * * * *

4. Section 602.5 is revised to read as follows:

§ 602.5 Copies of records.

Copies of records shall be produced as promptly as possible upon payment of the search and copying fees specified in the schedule set forth in Subpart B of this part. The Chief, Communications and Reference Service Center, is authorized to limit petitioners to one copy of each requested record when he finds that there exists an extraordinary demand for the number of available copies or for the Center's copying services.

5. In § 602.6, paragraph (a) is revised to read as follows:

§ 602.6 Written requests.

* * * * *

(a) Address his request to:

Chief, Communications and Reference Service Center, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

* * * * *

6. The introductory text of § 602.10 is amended to read as follows:

§ 602.10 Records in the Agency's Communications and Reference Service Center.

The Communications and Reference Service Center shall contain, or shall have available, to the extent not authorized to be withheld, the following works or classes of information:

* * * * *

7. Section 602.11 is revised to read as follows:

§ 602.11 Inspection of records.

Copies of records available to the public may be inspected by a petitioner in the Communications and Reference Service Center during the business hours stated in § 602.2. Copies of records made available for inspection may not be removed by any petitioner from the Center.

8. Section 602.22 is revised to read as follows:

§ 602.22 Certification.

Certification of each record as a true copy by the Chief, Communications and Reference Service Center $0.75.

9. In § 602.23 paragraph (a) is revised, paragraph (b) is revoked, and the first word of paragraph (c) is corrected to read "Printed." As amended, § 602.23 reads as follows:

§ 602.23 Printed research reports.

(a) (1) $0.50 per copy of each report up to 50 pages.

(2) $1 per copy of each report up to 100 pages.

(3) $2 per copy of each report up to 300 pages.

(4) $4 per copy of each report over 300 pages.

(b) [Revoked]

(c) Printed research reports which are not published by the Government Printing Office are available in limited supply. The schedule of fees for such printed research reports will remain in effect until the supply of copies in stock is exhausted; thereafter reports will be copied at the expense of the petitioner in accordance with the fee schedule established for copying services.

10. Section 602.25 is revised to read as follows:

§ 602.25 Records printed by contractors.

Charges, if any, for records printed by contractors or grantees will be set forth on the fee schedule of any index of available records, or will be determined by the Chief, Communications and Reference Service Center, in response to a request.

11. The introductory text of § 602.40 is amended to read as follows:

§ 602.40 Exemptions.

No record shall be withheld from inspection or copying unless it may be withheld by the Agency under the authority of the Act, or is specifically authorized to be withheld under an order issued by a court of competent jurisdiction. The following list contains examples of records which may be witheld from the public by the Chief, Communications and Reference Service Center.

* * * * *

12. In § 602.45, paragraph (b) is revised to read as follows:

§ 602.45 Review of decision to withhold a record.

* * * * *

(b) Written denial of record by the Chief, Communications and Reference Service Center, shall be considered a denial upon which administrative review may be requested.

Part 603 of Chapter VI of Title 22 of the Code of Federal Regulations is amended as follows:

1. The table of contents is amended as follows:

Sec.

603.10 Office of the Director.
603.11 Office of the Executive Director.
603.12 Office of the General Counsel.
603.13 Office of Public Affairs.
603.14 Economic Affairs Bureau.
603.15 International Relations Bureau.
603.16 Science and Technology Bureau.
603.17 Weapons Evaluation and Control Bureau.
603.18 General Advisory Committee.
603.19 [Revoked]
603.20 [Revoked]
603.21 [Revoked]

2. In § 603.2, paragraph (b) is revised to read as follows:

§ 603.2 Purpose and scope.

* * * * *

(b) The Agency works at the highest level of the U.S. Government, and under the direction of the Secretary of State, conducts U.S. participation in international arms control and disarmament negotiations. It does not normally hand down decisions or engage in regulations affecting the general public, since its functions are principally in the advisory or diplomatic areas, as noted above. A significant body of the research conducted in the Agency or by contract or interagency agreement is unclassified and will be made available to the public pursuant to the Freedom of Information Act. The reports embodying such research as well as those agency publications which may affect the general public will be made available in the Agency's Communications and Reference Service Center. Members of the public will be afforded the opportunity to inspect and to obtain copies of such material.

3. Section 603.10 is revised to read as follows:

§ 603.10 Office of the Director.

(a) The Director of the U.S. Arms Control and Disarmament Agency is the principal adviser to the President and the Secretary of State on arms control and disarmament matters. Under the direction of the Secretary of State, he has primary responsibility within the Government for formulation of policy recommendations and for operations in such matters. He is responsible for the executive direction and coordination of all activities of the Agency and relations with the Congress on them.

(b) The Deputy Director assists the Director in carrying out his responsibilities and acts for and exercises the powers of the Director during his absence.

(c) The Special Assistant to the Director is responsible for such projects as may be assigned by the Director including interagency and White House liaison. He acts also as Executive Secretary of the Agency and is responsible for direction and coordination of staff work for the Director and Deputy Director.

(d) The Counselor of the Agency is responsible for such special projects essential to the formulation of arms control and disarmament policy as may be assigned by the Director.

(e) The Special Assistant for Plans to the Deputy Director serves as a focal point for encouraging, monitoring, and integrating Agency formulation of basic policies and forward planning.

(f) The Intelligence Adviser, under the Deputy Director, serves as central point of contact for the Agency with departments and agencies within the intelligence community.

4. Section 603.11 is revised to read as follows:

§ 603.11 Office of the Executive Director.

Under the direction of the Executive Director, this Office has responsibility for managing all administrative activities of the Agency including budget, personnel, contracting, security, general services, management analyses, information and records services, and development or issuance of regulations. It maintains liaison on and coordinates these matters outside the Agency. The Office provides management advice to the Director on achieving program and budgetary objectives and the resolving of organizational questions, and participates in the formulation of Agency-wide arms control policies, such as those bearing on research and field testing projects. The Office directs the management aspects of arms control and disarmament negotiations with other countries in proportion to the role of the Agency in such matters.

5. Section 603.12 is revised to read as follows:

§ 603.12 Office of the General Counsel.

(a) Under the direction of the General Counsel, the Office is responsible for all legal matters concerning the Agency. It is responsible for all questions of domestic and international law and treaty affairs; participates in the preparation, implementation, interpretation and revision of arms control and disarmament agreements; and is responsible for legal research in the Agency.

(b) The Office has primary responsibility for congressional matters (except budgetary operations), including authorizing and other legislation. It handles the legal aspects of Agency policy, regulations and operations related to personnel, security, patents, contracts, procurement, fiscal and all other administrative affairs; and, also provides legal representation for the Agency with other Government departments and agencies, foreign governments, and contractors.

6. Section 603.13 is revised to read as follows:

§ 603.13 Office of Public Affairs.

(a) Under the direction of the Public Affairs Adviser, this Office carries out the Agency's responsibility for the dissemination and coordination of public information concerning arms control and disarmament. It is responsible for liaison with the world press, both in Washington and at international conferences. It also initiates, or prepares in response to requests, press guidance and materials related to arms control and disarmament.

(b) The Office of Public Affairs responds to requests from the public for information, documentation, speakers and conference participation, and prepares publications, including the Agency's Annual Report to Congress.

7. Section 603.14 is revised to read as follows:

§ 603.14 Economic Affairs Bureau.

This Bureau is responsible for developing policy recommendations regarding the multilateral control of conventional arms transfers and limitations on military expenditures. It assesses the domestic economic impact of reductions in defense spending incident to arms control and disarmament agreements or related actions. The Bureau also assures that arms control factors are taken into account in policy decisions relating to U.S. arms transfers. It compiles data on worldwide arms transfers and military expenditures. In addition, the Bureau supports Agency activities by developing

historical analyses on topics related to arms control and disarmament and by publishing documentary compilations in this field. Assisting the Bureau in its work is an advisory board of distinguished social scientists

8. Section 603.15 is revised to read as follows:

§ 603.15 International Relations Bureau.

The Bureau is responsible for translating U.S. disarmament policies into action at the conference table and in the United Nations. It manages most multilateral international negotiations and serves as the primary source of political advisers assigned to these and to the U.N. General Assembly. The Bureau also participates in the development of policies and positions in the field of arms control and prepares instructions for U.S. negotiators both at international conferences and for bilateral and regional arms control and disarmament discussions.

9. Section 603.16 is revised to read as follows:

§ 603.16 Science and Technology Bureau.

(a) This Bureau is responsible for scientific and technological aspects of arms control policies and operations, particularly those related to advanced strategic offensive and defensive weapon systems.

(b) In addition to investigating measures to limit existing advanced weapons and their delivery systems, the Bureau also seeks ways to curb the proliferation of these weapons and delivery systems to additional countries.

(c) The Bureau has the primary responsibility for the preparation, evaluation, and support of strategic arms limitations proposals. In addition, the Bureau is responsible for the research and policy recommendations on verification requirements and techniques for arms control and disarmament matters including the application of these techniques to strategic arms limitation proposals.

10. Section 603.17 is revised to read as follows:

§ 603.17 Weapons Evaluation and Control Bureau.

The primary function of this Bureau is the evaluation of the impact of possible arms control measures on a range of United States and allied military and national security interests, including such subjects as force structures and deployments, strategic concepts, and strategic and tactical weapons systems. Other functions include the evaluation of the arms control implications of the military postures of the United States and its allies, and the U.S.S.R. and its allies; the development and evaluation of systems and techniques for verifying certain arms control measures and participation in planning of, preparation for, and operation of inspection and control systems which may become part of U.S. arms control and disarmament activities.

11. Section 603.18 is revised to read as follows:

§ 603.18 General Advisory Committee.

The General Advisory Committee is an independent advisory body of 15 members appointed by the President by and with the advice and consent of the Senate to advise the President, the Secretary of State, and the Director of ACDA respecting matters affecting arms control, disarmament and world peace. To perform this function the Committee has access to information at all levels of security and invites the testimony of senior officials in the executive branch, as well as such other experts as it deems appropriate, on the major political and strategic issues related to arms control. The Committee is required by law to meet four times annually, but in practice is convened more frequently by the Chairman. The Committee conveys its advice to the President and its other advisees directly or in writing.

§ 603.19 [Revoked]

12. Section 603.19 is revoked.

§ 603.20 [Revoked]

13. Section 603.20 is revoked.

§ 603.21 [Revoked]

14. Section 603.21 is revoked.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (4–1–72).

The foregoing amendments to Parts 602 and 603 are approved.

Dated: March 24, 1972.

PHILIP J. FARLEY,
Acting Director.

[FR Doc.72-4991 Filed 3-31-72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter VI—Office of Assistant Secretary for Community Planning and Management, Department of Housing and Urban Development

[Docket No. R-72-164]

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

Part 600 of Title 24 of the Code of Federal Regulations was published in effective form in the FEDERAL REGISTER on February 4, 1972 (37 F.R. 2665), to provide requirements and guidelines for filing a Comprehensive Planning Assistance grant application. Opportunity was provided for interested persons to submit written comments or suggestions with respect to the regulations. Comments and suggestions received are currently under consideration. In the meantime, there are certain changes the Department desires to make. The substantive changes are as follows:

Section 600.40(b) is new. It reflects departmental policy to assist only one areawide planning agency in each metropolitan and nonmetropolitan planning jurisdiction. Items formerly numbered (b) and (c) are renumbered (c) and (d).

Part of § 600.90(f) and the entire § 600.90(g) of the February 4, 1972, publication are deleted since they deal with matters outside the scope of the regulation.

Minor corrections are made in §§ 600.65, 600.95, 600.100, 600.105, 600.128, and 600.170.

For the reasons stated at the time Part 600 was first published comment and public procedure on this amendment would be impracticable and contrary to the public interest and good cause exists for making the amendment effective upon publication.

Accordingly, Part 600 is amended to read as follows:

Subpart A—General Information

Subpart B—Special Requirements

Subpart C—Procedural Requirements

Subpart D—State Procedural for Local Planning and Management Service

Subpart E—Evaluation and Coordination Procedures

AUTHORITY: The provisions of this Part 600 issued under sec. 701, Housing Act of 1954, 68 Stat. 640; 40 U.S.C. 461; Secretary's delegation of authority published at 36 F.R. 5004, effective Mar. 8, 1971.

Subpart A—General Information

§ 600.1 Purpose.

The purpose of this subpart is to set forth provisions of general applicability with respect to the regulations in this part. Such provisions relate to (a) encouraging State, local, and areawide officials to improve executive planning, decisionmaking, and management capability and to establish and improve their staffs and techniques; (b) encouraging community planning and management as a continuous process; and (c) assisting State and local governments and areawide agencies to solve problems, realize opportunities, and formulate and implement policies related to community development and growth for urban and rural areas.

§ 600.5 Scope of comprehensive planning.

For the purpose of the regulations in this part, "comprehensive planning" means a continuing process whereby State and local governments and areawide planning organizations formulate and coordinate community strategies and management decisions. It spans the broad range of governmental activities, services, and investments for which assisted governments are responsive. Through comprehensive planning and management, chief executives are able to identify problems and opportunities, determine development objectives, analyze alternate solutions, prepare implementation programs, and evaluate performance in meeting these objectives.

§ 600.10 Financial support.

Comprehensive planning assistance grants shall not exceed two-thirds of the total cost of eligible activities, except in certain circumstances when the grant may cover up to three-fourths of the costs.

(a) Three-fourths grants may be made when the applicant or recipient is:

(1) Located in a redevelopment area or economic development district designated by the Secretary of Commerce under title IV of the Public Works and Economic Development Act of 1965;

(2) Located in a local development district, certified under title IV of the Public Works and Economic Development Act of 1965;

(3) A federally impacted area where there has been at least a 5 percent decrease in employment over a 2-year period attributable to reduction in Federal activity;

(4) Any regional commission established by the Appalachian Regional Development Act of 1965 or under the Public Works and Economic Development Act of 1965; or

(5) Any governmental agency or organization of public officials for planning activities that are necessary to the development of planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives and which otherwise meets the tests of 701(j) of the Housing Act of 1954, as amended.

(b) Non-Federal share: The non-Federal share of the total cost of assisted activities may be provided in the form of cash and/or services from the applicant, or from other non-Federal sources.

§ 600.15 Staff and consultant services.

(a) *Planning staff services.* To be eligible for assistance, the applicant and each areawide planning agency recipient must demonstrate that it has a staff of sufficient size nad professional competence to effectively discharge the program for which assistance is sought. The planning agency must establish, and periodically update, standards for the recruitment and retention of professional personnel consonant with or superior to State or local merit or civil service system standards. The standards established shall be subject to HUD approval.

(b) *Provision of consulting services.* Staff capability may be supplemented through consulting services by other public agencies (State, areawide, local), by instrumentalities of State and local governments (such as universities, municipal leagues, and county officer associations), and by private contractors and consulting firms.

§ 600.20 Inservice training.

Applicants may engage in inservice training to increase the level of knowledge and skills of their staff.

(a) *Eligible trainees.* Eligible trainees are limited to members of staffs of eligible applicants.

(b) *Maximum costs.* Except for work-study programs, the total cost of an inservice training program shall not exceed 5 percent of the agency's total grant under the Comprehensive Planning Assistance Program for any 1 year.

§ 600.25 Who may be assisted.

Currently, grants are authorized to the following:

(a) States, for statewide planning and management;

(b) States, for local planning and management assistance to counties, cities, and municipalities, groups of adjacent communities having a total population of less than 50,000, Indian reservations, disaster areas, federally impacted areas, and metropolitan and nonmetropolitan areawide planning organization;

(c) Metropolitan and regional agencies involved in comprehensive planning and management. Also, district agencies which are organizations composed of public officials representative of political jurisdictions within the district.

(d) Cities within metropolitan areas, having populations of 50,000 or more; and

(e) Other applicants, including interstate regional planning commissions, tribal planning councils, disaster areas, federally impacted areas, local development districts, and economic development districts, including cities, other municipalities and counties located within economic development districts.

§ 600.30 Legal status and authority.

Applicants must:

(a) Be authorized by State law or interstate compact or other agreement to perform the comprehensive planning work for which the grant is requested;

(b) Have authority to receive and expend Federal and other funds, and to contract with Federal and other units of government, private concerns, or individuals for performance of planning work and services; and

(c) Assure HUD that the non-Federal share of the program cost will be provided.

§ 600.35 Assistance to States for statewide planning.

Eligible applicants for Comprehensive Planning Assistance for statewide planning and management are:

(a) The Office of the Governor (the preferred applicant); or

(b) The State agency designated by the Governor or by State law, provided applications are endorsed by the Governor.

§ 600.36 Assistance to States for assistance and services to localities.

Eligible applicants for Comprehensive Planning Assistance and services are:

(a) *For assistance and services to localities.* (1) The Office of the Governor; or

(2) The State agency designated by State law (or the Governor) for the provision of comprehensive planning and management services to local governments and for the administration of Comprehensive Planning Assistance grant funds. Where feasible, this should be the same State agency designated for statewide planning. Eligible local recipients are:

(i) Cities and other municipalities having populations of less than 50,000 according to the latest decennial census. The planning area must include, at the minimum, the entire geographic area of the general local government, plus any contiguous territory over which the local government has authority for planning purposes.

(ii) Counties of any population size. In this case, the minimum planning area must include the unincorporated areas over which the county government has statutory or other authority for planning purposes. Assistance to a county having a population of over 50,000 within a metropolitan area, will be made only if planning for such a county is coordinated with planning for the metropolitan area of which it is a part and with prior HUD approval.

(iii) Any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census. The group's planning jurisdiction must be the entire area having such problems. Insofar as feasible, the boundaries of the planning area must conform to the jurisdictional boundaries

of the general local governments comprising the group.

(iv) General purpose local governments, regardless of population size, in redevelopment areas or Economic Development Districts designated by the Secretary of Commerce under title IV of the Public Works and Economic Development Act of 1965; Local Development Districts in accordance with the Appalachian Regional Development Act of 1965.

(v) Metropolitan and nonmetropolitan areawide planning organizations.

(vi) Indian reservations, disaster areas, and federally impacted areas.

(b) *For State community development services.* The State agency designated by State law or the Governor is responsible for conducting community development services. The services should be based on a multidisciplinary staff of specialists in the State planning agency, other State agencies or instrumentalities, and, where appropriate, include consultant support.

§ 600.37 Provision of planning assistance to localities by areawide planning organizations.

Metropolitan and nonmetropolitan areawide planning organizations, with the approval of the State agency (or Governor of the State), may also provide local planning and management assistance to any of the recipients listed in § 600.36(a) (other than the federally impacted areas) within the respective areawide planning jurisdictions.

§ 600.40 Grants for areawide planning and management assistance.

(a) Eligible applicants: Areawide planning organizations include metropolitan planning agencies and nonmetropolitan district agencies. These agencies may be:

(1) Organizations of public officials representative of the political jurisdictions within the metropolitan area, region, or district. Among such organizations are councils of government, joint city-county planning commissions, multijurisdictional or regional planning agencies, economic development districts, and local planning districts;

(2) Agencies under State law or by interlocal agreement responsible for comprehensive planning; or

(3) States authorized by State law to perform areawide planning.

(b) HUD will assist only one areawide planning agency in each metropolitan and nonmetropolitan planning jurisdiction. An exception may be made when State-enabling legislation does not permit the formation of a single areawide planning organization for a multistate planning area.

(c) Areawide planning requirements:

(1) Planning area jurisdiction is determined by consideration of the following factors:

(i) The planning area jurisdiction for a metropolitan area should include the Standard Metropolitan Statistical Area (SMSA) plus any contiguous county or counties now urbanized or likely to become urbanized in the foreseable future. Where feasible, contiguous SMSA's should be included in the same metropolitan areawide planning jurisdiction. Where the State has established substate planning and devlopment areas, or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State-designated areas.

(ii) The planning area jurisdiction for a nonmetropolitan area must include one or more counties and one or more other units of general local government, but may not include any portion of any SMSA. Where the State has established sub-State planning and development areas, or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State-designated areas.

(2) Areawide planning organizations must meet the HUD areawide planning requirements in accordance with HUD 6415 Issuance Series.

(d) Application submission: Metropolitan planning agencies and nonmetropolitan organizations of local elected officials may apply directly to the appropriate HUD office for Comprehensive Planning Assistance. Nonmetropolitan areawide planning agencies which are not organizations of local elected officials, shall apply to the eligible State agency. HUD prefers that all nonmetropolitan agencies apply through the eligible State agency so that the State may coordinate and package programs, thereby eliminating duplication of effort and inefficiencies in processing.

§ 600.45 Assistance to large cities.

On behalf of a city within a metropolitan area, and having a population of 50,000 or more, eligible applicants are:

(a) The Office of the Chief Executive (i.e., the Mayor), the preferred applicant; or

(b) The agency designated by the chief executive, provided applications are endorsed by the chief executive.

§ 600.50 Planning and management assistance for other applicants.

Planning and management assistance may also be provided for the following:

(a) *Interstate regional commissions.* Interstate regional commissions, established under the Appalachian Regional Development Act of 1965 or the Public Works and Economic Development Act of 1965, are eligible for Comprehensive Planning Assistance. However, the Department is prohibited from funding Interstate Commissions.

(b) *Indian reservations*—(1) *Intent.* To provide financial assistance to conduct planning programs for Indian Reservations.

(2) *Eligible applicants.* (i) State agencies: State planning agencies are eligible to apply on behalf of tribal councils in order to provide planning services.

(ii) Areawide planning organizations: Areawide planning organizations are eligible applicants if the State has formally delegated them responsible for the administration of such planning assistance.

(iii) With the approval of the Secretary of Interior, State multitribal organizations representing more than 50 percent of the reservations within a State which have been delegated authority by member organizations to conduct planning activities on their behalf.

(iv) Tribal planning councils or other tribal bodies which may apply through the eligible State agency or directly to HUD.

(3) *Financial support.* Funds and services of the Bureau of Indian Affairs or of any other Federal agency are not eligible as a portion of the non-Federal share of cost of the assisted planning program.

(c) *Federally-impacted areas.* (1) Intent: To provide financial assistance to federally-impacted areas to plan adjustments occasioned by Federal impacts upon the economic, social, physical, and governmental structure occasioned by

(i) Rapid urbanization due to the establishment of rapid and substantial expansion of a Federal installation, or for areas where rapid urbanization is expected to result on land developed or to be developed as a new community under title VII of the Housing and Urban Development Act of 1970.

(ii) Substantial reduction in employment opportunities as the result of:

(*a*) The closing (in whole or in part) of a Federal installation, or

(*b*) A decline in the volume of government orders for the procurement of articles or materials produced or manufactured in the area.

The actual or foreseen change in employment over a 2-year period must be at least 5 percent of the preimpact level.

(2) Eligible applicants shall be official governmental planning agencies.

(d) *Disaster areas.* (1) Comprehensive Planning Assistance may provide financial assistance to plan for the recovery from disaster. Any city, other municipality or county which is designated by the President as a "major disaster area" in accordance with the Disaster Relief Act of 1970 may apply for assistance. HUD prefers that such areas apply through the eligible State agency.

(2) Eligible applicants are official governmental planning agencies with planning responsibility for jurisdictions in the disaster area.

(3) Application submittal: Applications shall be submitted within 180 days after an area is designated by the President as a disaster area.

(4) Coordination: All applications submitted for Comprehensive Planning Assistance disaster relief must be reviewed and commented upon by the designated State disaster relief agency, if such an agency exists, as prescribed in section 206 of the Federal Disaster Relief Act of 1970. Also, any assisted planning work leading to short range actions for recovery from the disaster should be coordinated with the State between State planning agencies and State disaster relief agencies.

§ 600.55 Eligible activities: all assisted agencies.

Applicants, as a part of their assisted Comprehensive Planning work, may:

(a) Support and strengthen State and local government chief executive management capability including:

(1) Improving the chief executive's ability to establish goals, objectives and policies, allocate resources, evaluate programs for achieving objectives, devise methods for obtaining effective public participation in policy decisions and assess program performance;

(2) Modernizing State and local governmental institutions and areawide structures to address community development issues and to provide more responsive service delivery systems;

(3) Improving governmental systems and operations;

(4) Analyzing, recommending and evaluating fiscal policies and arrangements for providing governmental services and facilities; and

(5) Establishing a framework for coordinating intergovernmental planning and development activities and public and private development.

(b) Conduct general community and/or statewide planning and programming with respect to:

(1) Development of human, economic and natural resources;

(2) Community development, growth, and revitalization policies, including land use planning and identification of growth areas, new community development sites and areas of critical environmental concern where development should be restricted;

(3) Housing, transportation, the environment, public facilities and services, health, education, and employment; and

(4) Historic preservation.

(c) Conduct housing work program activities with respect to:

(1) Current and projected population and housing characteristics of neighborhoods, communities, and other subareas of the planning jurisdiction;

(2) Income levels of families in the jurisdiction and its parts;

(3) The location and structural and other qualities of existing housing;

(4) The level and quality of housing-related public services presently available to all racial, ethnic, and socio-economic groups;

(5) Special problems of minority groups in securing adequate housing;

(6) Obstacles to the provision of adequate housing for all groups and citizens, including obstacles in regulations, building codes and zoning regulations, inspection practices, public services, private sector production capability, and housing sales and rental practices;

(7) The availability of sites for various types of housing for all people, especially low and moderate income persons, and the adequacy of sites relative to employment, education, transportation, commercial facilities, and other public services, and to suburbs and central cities;

(8) The capacity of governmental agencies and private organizations for implementing housing action plans, and the adequacy of laws and public policy to stimulate needed housing production;

(9) The impact of current and proposed housing projects on patterns of racial concentration;

(10) The extent to which current and proposed housing projects of varying income levels are distributed throughout the planning area;

(11) The Federal, State and local programs which might be utilized to meet the planning area's housing needs; and

(12) Plans for the promotion of market aggregation.

(d) Delineate areawide planning jurisdictions or substate planning jurisdictions.

(e) Provide technical assistance to State and local governments and areawide agencies, including technical assistance to establish and improve planning staffs and techniques on a substate basis.

(f) Support State Community Development Services including but not limited to:

(1) Direct technical assistance to local or areawide officials on problems of community development;

(2) Advice on pending development decisions;

(3) Professional studies concerning local development problems, objectives, alternatives, and priorities, and organization and administrative processes;

(4) Preparation of technical guides and manuals dealing with the planning, programing, or management of public services, facilities, and resources; or suggesting new approaches to concerns such as housing, community relations, or capital improvement programing.

(g) Meet and carry out other HUD programs and procedures such as:

(1) Workable Program planning;

(2) All HUD and other Federal planning requirements;

(3) New Community planning;

(4) Preparation of water resources and flood plain management measures to meet the standards for eligibility under the National Flood Insurance Program; and

(5) Support for Federal urban growth and development objectives, as provided in section 701(j) of the Housing and Urban Development Act of 1954, as amended.

§ 600.58 Ineligible activities: all assisted agencies.

Applicants, as part of their assisted Comprehensive Planning work, may not include the following:

(a) Project design and engineering;

(b) Routine administration not directly connected to the grant;

(c) Political activities; and

(d) Assistance to businesses in relocating to the detriment of communities where businesses currently are located and assistance to subcontractors in acquiring business customarily performed by other subcontractors.

Subpart B—Special Requirements

§ 600.60 Purpose.

The purpose of this subpart is to describe special requirements that applicants must comply with to receive Comprehensive Planning Assistance.

§ 600.65 Environmental considerations.

HUD requires that planning activities funded under the Comprehensive Planning Assistance Program be conducted in full accord with the policies and provisions of the National Environmental Policy Act of 1969 (Public Law 91–190).

(a) *Environmental goals.* The environmental goals of the Comprehensive Planning Assistance Program are to:

(1) Improve and conserve the quality of the air, water and earth resources for the benefit of present and future generations in the planning and shaping of man-made environments;

(2) Assure that environmental concern and awareness becomes an integral part of the comprehensive planning process, since comprehensive planning is a major means for accomplishing community development on a sound environmental basis; and

(3) Achieve those goals set forth in the National Environmental Policy Act of 1969 (section 101), some of which are:

(i) "* * * assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings;

(ii) "* * * Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iii) "* * * Achieve a balance between population and resource use which permit high standards of living and a wide sharing of life's amenities."

(b) *Inclusion of environmental planning in the comprehensive planning process.* Each applicant in the developmental planning aspects of its assisted comprehensive planning work should:

(1) Identify salient elements of the natural and the man-made environments, their interrelationships, and major problems and/or opportunities they present for community development;

(2) Assess those environmental factors which will:

(i) Minimize or prevent undue damage, unwise use, or unwarranted preempting of natural resources and opportunities;

(ii) Recognize and make prudent allowance for major latent environmental dangers or risks (e.g. floods, mud slides, earthquakes, air and water pollution); and

(iii) Foster the human benefits obtainable from use of the natural environment by wise use of the opportunities available (e.g. use of natural drainage systems for park and recreational areas); and

(3) Seek, under the above policies and goals, to:

(i) Avoid adverse environmental impacts on neighborhood or community areas through the planning and careful location and development of community facilities;

(ii) Provide environmental amenities to all areas being planned for, and access to such amenities; and

(iii) Equalize the impact and burden of community change and development on living areas, rather than concentrate them in areas where "sites are cheap"; and

(4) Incorporate State environmental policies and standards, particularly those developed in response to Federal law regarding protection on air and water quality and control and abatement of noise.

(c) *Environmental assessment.* Each applicant shall prepare an environmental assessment when the assisted work program will result in developmental plans or policies for land use, major community facilities, major utility systems, major transportation systems or the protection of natural areas (estuaries, coastal zones, etc.). The assessment, which shall not be written as a justification for any proposed project, program, task or policy, must:

(1) Include the following:

(i) A summary or abstract of the proposed plan(s) or policies;

(ii) The environmental impact (beneficial as well as adverse) of the proposed plan(s) or policies, if they are carried out;

(iii) Any adverse environmental effects which cannot be avoided should the proposed plan(s) or policies be implemented;

(iv) Alternatives to the proposed plan(s) or policies and an analysis of those alternatives;

(v) The relationship, under the proposed plan(s) or policies, between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(vi) Any irreversible and irretrievable commitments of resources which would be involved if the proposed plan(s) or policies should be implemented; and

(vii) A statement setting forth applicable Federal, State and local environmental controls;

(2) Be appended to the resulting proposed plan and accompany the plan through all deliberatons leading to approval and subsequent amendment; and

(3) Be available to the public on a timely basis, including availability before public hearings regarding the plan.

§ 600.70 Required housing element.

(a) Section 701(a) of the Housing Act of 1954 provides that:

> Planning carried out with assistance under this section shall also include a housing element as a part of the preparation of comprehensive land use plans, and this consideration of the housing needs and land use requirements for housing in each comprehensive plan shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studied in the planning will be adequately covered in terms of existing and prospective in-migrant population growth.

(b) HUD requires that each assisted State, areawide agency and large city (over 50,000 population) include a housing work program in its Overall Program Design and that each local planning assistance recipient include a housing element in its comprehensive land use plan. The housing element or program must be coordinated with the other planning and management activities identified in the work program.

(c) The housing goals of the Comprehensive Planning Assistance Program are requirements and include the following:

(1) To assure that housing concerns and needs become an integral part of the community planning and management process;

(2) To eliminate effects of past discrimination in housing based on race, color, religion, or national origin and to provide safeguards for the future;

(3) To develop housing growth policies which would insure the provision of an adequate supply of housing, a variety of housing types, and proximity of housing to jobs and daily activities; and

(4) To provide a decent residential environment throughout the planning area by insuring that all housing receives a proper and equitable delivery of public facilities and services.

(d) Each agency's housing work program must be included as a part of its Overall Program Design. The housing work program must be coordinated with the other planning and management activities identified in the agency's annual work program.

(e) The housing work program shall analyze the existing housing market in terms of supply and demand by user group. The work program shall further identify:

(1) Needs met by private market;

(2) Needs met with public assistance; and

(3) Needs not being met.

(f) The housing work program shall:

(1) Identify and analyze the need, problems and opportunities for the construction, conservation and rehabilitation of all housing of the planning jurisdiction;

(2) Define strategies and specific steps by which housing needs, and its related public services and facilities, can be met through responsive governmental programs and private action;

(3) Establish housing planning, programing and technical services where there are none; and

(4) Be coordinated with and build upon the housing efforts of other public and private agencies having housing programs and coordinated with all units of government within the planning area.

(g) The housing work program, including any zoning and subdivision legislation prepared or revised using Comprehensive Planning Assistance, must promote equal housing opportunity.

§ 600.75 Equal opportunity requirements.

(a) All planning assisted under the Comprehensive Assistance Program is subject to the provisions of:

(1) Title VI of the Civil Rights Act of 1964, which provides that no person on the grounds of race, color or national origin shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(2) Title VIII of the Civil Rights Act of 1968, which provides that it is the policy of the United States to provide, within constitutional limitations, fair housing throughout the United States, and requires the Secretary of HUD to administer the Department's programs and activities in a manner affirmatively to further the policies of Title VIII.

(3) The Equal Employment Opportunity clause contained in Part II—Terms and Conditions, Comprehensive Planning Grant Agreement, which provides that the grantee "shall not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin" and will take affirmative action to ensure equal opportunity in its employment practices.

(b) Each applicant must:

(1) Submit in its application package, a Statement of Assurance of Compliance with title VI, HUD Form 41901.

(2) Indicate in the Overall Program Design those work activities which will contribute to correcting the effects of past discrimination and the manner in which they will do so, and describe how those work activities that relate to the provision of opportunities, services and facilities will benefit residents of the planning area on a nondiscriminatory basis.

(3) Comply with Equal Employment Opportunity Requirements in accordance with HUD's Notice of Grant Award and Guide Form of Contract for Personal Services (see Comprehensive Planning Assistance Handbook–II, CPM 6042.1A). Each applicant and recipient must take affirmative action for equal employment opportunity.

(c) States providing planning and management services to local governments and areawide planning organizations shall obtain from them similar assurance of compliance with equal opportunity requirements and, on a continuing basis, evaluate their performance in fulfilling the conditions of such assurance.

§ 600.80 Citizen involvement.

(a) HUD requires citizen involvement in programs assisted under the Comprehensive Planning Assistance Program. Specific techniques for securing citizen involvement are not imposed, but all applicants are responsible for:

(1) Ensuring that comprehensive planning is responsive to the needs of citizens within the planning jurisdiction;

(2) Reporting on the various means employed to ensure that assisted activities are responsive to the citizens; and

(3) Selecting means of obtaining citizen involvement that can be evaluated according to the following performance criteria in paragraph (b) of this section.

(4) Including a Statement of Citizen Involvement in each Progress Report

called for by HUD. Such statement shall identify specific activities undertaken to meet the criteria in paragraph (b) of this section and shall show the relation between the activities and the basic objectives of the applicant's Overall Program Design.

(b) The following criteria will be used to measure the citizen involvement required by paragraph (a) of this section:

(1) *Extent of interaction and involvement.* Meaningful and effective communication works both ways: Citizens, in addition to being informed, should be able to respond. They should have the opportunity to help initiate and implement plans, as well as react to proposals. Communication and interaction between citizens and the grantee should be continuous.

(2) *Access to the decision making process.* The grantee should provide citizens with clear and direct access to the decision making process. Citizens should be involved when goals, objectives, priorities, and policies are formulated. They should help develop methods of communication that are effective in reaching people. Meeting places and times should be widely publicized on a regular basis.

(3) *Improving communication techniques.* Effective communication produces information that is readily available, timely, and easily understood by citizens. All grantee's information pertaining to the activity (except when the disclosure of such information would be a breach of public trust) should be available to citizens upon request. Information should be provided on a continuous basis and sufficiently in advance of public decisions to permit a thorough citizen review of the proposals and an opportunity to react. Grantees should relate technical data and other professional material to the average neighborhood resident so that he understands the impact of public programs, available options, and alternative decisions. When the lack of technical resources is a barrier to effective citizen involvement, the planning agency should provide citizens with technical assistance to enable them to make knowledgeable decisions.

Subpart C—Procedural Requirements

§ 600.85 Purpose.

This subpart sets forth the procedures required of agencies requesting a Comprehensive Planning Assistance grant.

§ 600.90 Steps for application submission, negotiation and approval.

The following are the basic steps in the process of submitting application proposals:

(a) Notification of the appropriate HUD Area Office Director of the intention to submit an application for Comprehensive Planning Assistance. This notification procedure refers primarily to agencies applying for the first time.

(b) Notification of the appropriate designated clearinghouse(s) of the intent to submit an application consistent with OMB Circular A–95. Submission of a copy of a draft Overall Program Design to other agencies for coordination purposes is required by § 600.150.

(c) Submission of a preliminary application upon request to the appropriate HUD Area Office. This should be accomplished well in advance of expiration of any current grant.

(d) Holding a negotiation conference with HUD officials. The chief executive (i.e. Governor, mayor, or city or county executive) or the highest officer on the areawide policy body shall be represented at the negotiation conference.

(e) Resubmission of the application with changes as agreed upon following the negotiation with HUD officials.

(f) Receipt of approval of applications and notifications from HUD of the grant award.

§ 600.95 Applications by States.

States are required to submit a single application (Overall Program Design) including statewide planning, nonmetropolitan assistance, and local planning and management services. Grant assistance shall cover a 12-month work period. States may request separate grants based upon one Overall Program Design, but there must be only one grant recipient per State even though there may be more than one grant. The grant shall be made to the Governor's office or designee, who shall be the single responsible party to HUD for the total grant. Assistance to prepare an Overall Program Design may be given to an applicant applying for the first time. This assistance is given as a special exception to the regular annual grant system.

§ 600.100 The application package.

Applicants must use a standard application package in applying for Comprehensive Planning Assistance. The application package includes:

(a) A letter formally requesting grant assistance which should identify the grant amount being requested and any changes affecting the legal status of the applicant since its last application. The letter shall be signed by the chief elected official (governor, mayor, city or county executive) or, in the case of areawide planning organizations, be signed by the highest policy officer or be accompanied by a resolution from the governing body.

(b) An Overall Program Design which includes the annual work to be assisted. (See § 600.105.) The following are required to prepare a brief and concise Overall Program Design:

(1) States.

(2) Areawide planning organizations, including both metropolitan and nonmetropolitan planning organizations.

(3) Cities having a population of 50,000 or more.

(c) An annual work program summary which identifies the objectives of the proposed program and which summarizes, by objective, the cost of work involved in pursuing each objective.

(d) An annual grant budget which shall be the basis for fiscal audit of the grant.

(e) Applicants may be requested to provide more information regarding such items as legal status, geographic area, etc., as deemed necessary by HUD. This will generally only apply to agencies applying for the first time. Supporting documentation need not be submitted with each application package except where changes have occurred and, then, only the changes need be submitted.

(1) A brief statement of the applicant's organizational characteristics, including policy board composition and representation for areawide planning organizations as described in the HUD 6415 Issuance Series. Also included should be the agency's staffing profile by type, number and racial composition of staff positions, authorized and filled, and by salary range for each.

(2) A copy of all A–95 review comments (and any other review comments) received regarding the proposed Overall Program Design.

(3) A signed copy of "Assurance of Compliance with Department of Housing and Urban Development Regulations under title VI of the Civil Rights Act of 1964." (HUD Form 41901).

§ 600.105 Overall Program Design.

Each applicant shall prepare a concise Overall Program Design (OPD) which shall be the major part of its application. The Overall Program Design is a multiyear work program statement which focuses on specific objectives to be achieved by the applicant. The OPD covers a minimum of 3 years and must be annually updated. The OPD includes all major planning and management objectives to be undertaken by the applicant, not merely those assisted by HUD and provides the applicant and HUD with a base line for evaluation of performance.

(a) *Format.* The following program format provides for the presentation of the applicant's problems, opportunities, goals, and achievable objectives. This format is prescribed unless the HUD Area Office approves a different work format which yields essentially the same data outlined below.

(1) *Program categories.* Each program category, which represents a general planning and management activity, shall include:

(i) The title and reference number of the program category (e.g., 100.0 Growth and Development or 200.0 Executive Management).

NOTE: A separate program category for general administration may be included in the Overall Program Design;

(ii) A brief description of the program category's key issues, problems and opportunities; and

(iii) A brief statement of program category goals.

(2) *Program subcategories.* Each program subcategory, which represents a specific objective, shall include:

(i) The title and reference number of the program subcategory (e.g., 101.0 Land Use or 201.0 Policy and Program Development);

(ii) A brief statement of specific or measurable program objectives to be achieved in addressing issues, problems, and opportunities;

(iii) A brief identification of major work elements to be conducted in achieving objectives of the first work year of the Overall Program Design. To the extent possible, this would include deliverable and products and anticipated results of work;

(iv) Estimated cost by work year for each subcategory. Anticipated sources of funding should also be identified; and

(v) Estimated manpower costs and manmonths for the first work year. This should be identified by in-house staff, other public agency and consultant.

(b) *Related data.* The following shall be included with each Overall Program Design:

(1) A bar chart identifying a time schedule for completing subcategories over the time period covered by the Overall Program Design;

(2) A brief statement which describes how the applicant will coordinate its work with related work being performed by other agencies; and

(3) A brief description of how the applicant will communicate and interact with citizens through its planning process.

Subpart D—State Procedures for Local Planning and Management Services

§ 600.110 Purpose.

This subpart sets forth procedural requirements by which States submit Overall Program Designs for statewide planning and assistance and services for localities and nonmetropolitan planning areas.

§ 600.115 State Overall Program Design.

State Overall Program Design must be presented in the format defined in Subpart C of this part, or in an approved substitute format. A State OPD must include the following:

(a) A statewide planning and management section that identifies statewide planning and management objectives to be achieved.

(b) A local planning and management services section that reflects local issues and identifies a strategy to achieve goals and objectives for local services. This strategy shall include how the State agency will select, monitor, and evaluate the local communities and agencies to be assisted. This section shall include all services to local governments, including State Community Development Services; and

(c) A nonmetropolitan areawide planning section that identifies a strategy of goals and achievable objectives for assisting nonmetropolitan planning areas. This strategy shall include how the State agency will select, monitor and evaluate nonmetropolitan areawide programs to be assisted or serviced.

§ 600.120 Summary of local planning and management assistance procedures.

The following describes procedures which States must employ for managing local planning and management assistance. It is HUD's intent to give States major responsibility and discretion for administering a program of local planning and management services, with flexibility as to the selection of services and the recipients to be assisted. The annual grant will support a State program of planning and management services responsive to the key problems of local governments. HUD's main concern will be with the State's planning and management program, rather than with specific activities undertaken on behalf of individual recipients.

(a) *Application submission.* After the HUD Office has identified a bench mark grant figure, the State agency may submit an application, based on which a single total amount of assistance for local planning and management services will be negotiated.

(b) *Grant coverage.* The grant amount for local assistance normally will be included in the State annual grant and will appear as a single subtotal in the annual grant budget (Form HUD–6703, Revised). A separate grant covering local assistance and services may be requested, provided a single OPD covering statewide planning and local assistance and services is presented to HUD.

(c) *Eligible recipients.* Eligible recipients request Community Planning and Management Assistance from the State agency at times and in the manner established by the State. Unless otherwise prohibited by State law, services should be made available to the locality's chief executive official. Such officials, or their designees, should be the locally responsible party and should have agreed on the manner in which services are provided.

(d) *Expenditure of funds.* The grant will be available to the State agency only for the duration of the project period.

(e) *Commitment of funds.* After receiving from HUD the formal notification of grant approval, the State agency may commit and/or expend funds effective with the beginning of the project period and without further HUD concurrence.

§ 600.125 Design of the State program for localities.

The State's planning and management services program shall be set forth in its Overall Program Design and shall:

(e) Describe the objectives of the State's planning and management services program. In establishing these objectives, due consideration should be given to the general goals of the Community Planning and Management Assistance Program as stated in § 600.5.

(b) Identify the criteria to be used in establishing priorities among localities requesting planning and management services (and for determining the particular mix of planning and management services to individual localities).

(c) Describe the procedures to be followed in assisting localities.

(d) Provide for the accomplishment of paragraphs (a) through (c) of this section and of § 600.128 with the cooperation of the locality. State Community Development Services may be employed as the vehicle for making the determinations and accomplishing the work involved in making them.

§ 600.128 Considerations in State assistance to localities.

In determining the nature and extent of assistance to be provided to any locality, the local work program shall with the cooperation of the elected officials of the locality:

(a) Identify and analyze their key issues, pressing problems, needs, priorities, opportunities, and objectives;

(b) Identify the public and private organizations, agencies and programs at the various levels of government having an impact on the localities, problems, issues, etc.;

(c) Evaluate their previous planning efforts and progress;

(d) Identify their housing problems and the status of their housing planning efforts, including housing opportunities for all income groups;

(e) Identify their environmental problems;

(f) Meet workable program, relocation, and similar planning requirements, if desirable or advantageous to an assisted locality;

(g) Secure other local background data as necessary for dealing adequately with their issues, problems and opportunities; and

(h) Evaluate the localities fulfillment of the conditions of the Statement of Assurance consistent with § 600.75.

§ 600.130 Negotiations with HUD.

State negotiations with HUD will focus on:

(a) Relevance of the proposed program to specific statewide objectives and critical problems of local recipients;

(b) Past State agency performance in managing the program, and achieving objectives;

(c) Recipient performance and progress; and

(d) State capability for providing a variety of planning assistance and services.

§600.135 State agency review and evaluation.

The State agency must review the planning activities of recipient areas on a continuing basis. The following specific items must be reviewed:

(a) The quality of the local planning work performed;

(b) The timeliness of the work performance;

(c) The recipients' coordination efforts;

(d) The quality of the citizen involvement in the planning effort;

(e) The value of the planning work in improving the chief executive's management capability; and

(f) The recipient's compliance with Equal Opportunities Requirements.

Subpart E—Evaluation and Coordination Procedures

§ 600.140 Purpose.

This subpart sets forth procedures required to assure the evaluation of programs and the coordination of assisted planning among agencies and governmental levels which may enhance or be affected by such planning.

§ 600.145 Evaluation and review.

Certain evaluation and review procedures are established.

(a) *Evaluation.* Required monitoring and reporting activities are defined in Chapter A of HUD Handbook CPM 6042.1A "Comprehensive Planning Assistance Handbook II" (July 1971). With the Annual Program Completion Report described therein and required to be submitted, applicants must include a brief evaluation statement that relates the following:

(1) Agency progress in meeting the Overall Program Design objectives;

(2) Changes or impacts resulting from the agency's assisted work on the social, physical, environmental, and governmental aspects of the planning jurisdiction; and

(3) Outstanding achievements, such as new governmental policies and public and private actions taken resulting from the agency's work.

(b) *HUD review of agency evaluation.* HUD review of evaluations made by assisted applicants will be reported and discussed at the time of negotiations concerning new applications. This review will cover prior work and proposed work as presented in a new application. The review will cover:

(1) The quality of work performed;

(2) The quality of proposed updating in the Overall Program Design and applicant objectives;

(3) The technical competence of applicant staff and consultants in completing previous work and in relation to proposed work;

(4) The adequacy of the applicant's administrative, fiscal and accounting procedures; and

(5) For States, the applicant's ability to identify and respond to needs of communities, to schedule and complete work in timely fashion and to maintain effective management of local assistance and services.

§ 600.150 Coordination and intergovernmental review procedures.

The following procedures required by §§ 600.160 and 600.170 are established to assure intergovernmental coordination and review of planning and management programs proposed for assistance.

§ 600.160 OMB Circular A–95 coordination procedures.

In accordance with HUD procedures set forth in HUD Handbook CPM O4.1A, "Comprehensive Planning Assistance: Requirements and Guidelines for a Grant", and Office of Management and Budget Circular A–95 guidelines and procedures, established pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and Title IV of the Intergovernmental Cooperation Act of 1968, planning agencies must notify the State, regional or metropolitan clearinghouse of the intent to submit an applicant for HUD Comprehensive Planning Assistance.

(a) The application notification will include a summary description of the work to be funded containing the following information:

(1) The identity of the applicant agency;

(2) The geographic location of the project to be assisted;

(3) A brief description of the work to be funded under the grant;

(4) The Federal program and agency under which assistance will be sought; and

(5) The estimated date by which time the applicant expects to formally file an application.

(b) When a State's applicant for Comprehensive Planning Assistance is not the designated State clearinghouse, the applicant agency shall notify the clearinghouse agency of its intention to submit an application.

(c) Interstate Regional Commissions submitting applications for a HUD Comprehensive Planning Assistance grant shall notify the Governors' and/or the designated State clearinghouse(s) of their intent to apply to HUD.

(d) Applicants must notify the appropriate State, regional, and metropolitan clearinghouses well in advance of the HUD negotiations conference. In no instance will applications be processed without having fulfilled the A–95 requirements.

§ 600.170 Overall Program Design review.

(a) In addition to the A–95 review, referred to in § 600.160, assisted agencies should submit a draft copy of the Overall Program Design to agencies likely to be asked to implement portions of the plans and programs or to agencies whose activities are likely to be substantially affected by the plans and programs; and to State, areawide, local, and Federal agencies and private agencies expected to contribute cash or services to the planning effort.

(b) Each nonmetropolitan areawide planning organization must submit a copy of its Overall Program Design to the chairman of the State Rural Development Committee of the U.S. Department of Agriculture, in accordance with agreed upon procedures between the State planning agency and the State rural development committee.

(c) Each areawide planning organization designated as an economic development district (EDD) or adjacent to an EDD must submit a copy of its Overall Program Design to the regional office of the Economic Development Administration, U.S. Department of Commerce.

(d) Each areawide planning organization designated as a local development district (LDD) must submit a copy of its Overall Program Design to the central office of the Appalachian Regional Commission.

(e) Coordination between areawide planning organization and large cities. Executive bodies of areawide planning organizations and the chief executive officials of cities over 50,000 population within the areawide jurisdiction must exchange draft Overall Program Designs for comment by the reciprocating office. Referral by the applicant areawide organization to the city executive and by applicant cities to their areawide organization is required in any case.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (4–1–72).

SAMUEL C. JACKSON,
Assistant Secretary for Community Planning and Management.

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Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

[Docket No. R–72–149]

PART 1710—LAND REGISTRATION

Miscellaneous Amendments

On January 27, 1972, Land Registration regulations were published in the FEDERAL REGISTER (37 F.R. 1302–1317). A correction to § 1710.105 was published in the FEDERAL REGISTER on February 5, 1972 (37 F.R. 2768). Several additional mistakes are corrected by this amendment and some minor clarification changes are made. A change in § 1710.130 has been made to clarify the fact that State filings made on or after the effective date of the regulations shall be made in accordance therewith; State filings in effect prior to January 27, 1972, are not affected until amendment or consolidation. The preamble to the regulations failed to mention the elimination of the requirements for submitting two copies of the Statement of Record and the Property Report previously required by §§ 1710.20 and 1710.105, and two copies of the Statement of Record filed with and approved by appropriate State agencies previously required pursuant to § 1710.120. Under the regulations, only one copy of any such submission must be filed.

Since this amendment is solely for the purpose of correction and clarification, notice and public procedure upon this amendment are not required and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

Part 1710, of Chapter IX of Title 24 of the Code of Federal Regulations which was published in the FEDERAL REGISTER at 37 F.R. 1302–1317 on Thursday, January 27, 1972, is amended as follows:

§ 1710.2 [Amended]

1. In § 1710.2 change the Zip Code "20411" to read "20410".

2. Section 1710.10 is corrected to read as follows:

§ 1710.10 Statutory exemptions.

The requirements of this part shall not apply to:

* * * * *

(i) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business.

The foregoing exemptions are available where the particular factual circumstances of the sale or lease meet the express requirements of the exemption provision. No formal written decision is required, but an exemption advisory opinion pursuant to § 1710.15 may be obtained if desired.

3. The following corrections are made in § 1710.11:

a. In paragraph (a) correct the word "chapter" to read "part".

b. In paragraph (a)(2), change the words "on the lot" to read "on-the-lot".

c. In paragraph (b), everything following the last sentence of subparagraph (2) is deleted and a new subparagraph (3) is added so that paragraph (b) (2) and (3) reads as follows:

§ 1710.11 Statutory exemptions—determination required.

* * * * *

(b) * * *

(2) If the developer has relied upon the provisions of paragraph (c)(1) of this section to establish the time of sale, he shall file with each acknowledged statement and affirmation a copy of the applicable contract of sale.

(3) All documents required to be submitted by this section shall be bound in alphabetical order and indexed by purchaser's surname. Each bound volume shall contain only such documents as are applicable to a single subdivision and shall be identified on the outer cover by the name and location of the subdivision and the number assigned by OILSR to such subdivision. Upon demand by the Secretary, made at any time during the calendar year, the developer shall, without delay, file copies of such acknowledged statements, affirmations, and applicable contracts as the Secretary may specify.

* * * * *

d. In paragraph (c)(2) of § 1710.11, change the word "encumbarnces" to read "encumbrances".

4. The following amendments are made in § 1710.14:

a. In the second sentence of paragraph (a)(1)(iv) the word "conclusively" is deleted.

b. In paragraph (b), subparagraph (1) is revised to read as follows:

§ 1710.14 Regulatory exemptions—exemption order required—limited offering.

* * * * *

(b) * * *

(1) File a partial Statement of Record—request for exemption in accordance with § 1710.125. The partial Statement of Record shall not operate as registration under the Act.

* * * * *

c. In paragraph (b)(3)(ii) change the word "metohds" to read "methods".

5. In § 1710.15, paragraph (b) is redesignated paragraph (c) and a new paragraph (b) is added, to read as follows:

§ 1710.15 Exemption advisory opinions.

* * * * *

(b) *Partial Statement of Record.* Any opinion request shall be accompanied by a partial Statement of Record as prescribed in § 1710.125. The partial Statement of Record shall not operate as registration under the Act.

* * * * *

6. Section 1710.17 is amended to read as follows:

§ 1710.17 Concurrent submission—request for exemption/Statement of Record.

A request for an exemption order pursuant to § 1710.14 or for an exemption advisory opinion pursuant to § 1710.15 may be accompanied by the submission of a complete Statement of Record filed in accordance with the procedures described in paragraphs (a) and (b) of this section.

(a) A developer who wishes to begin to offer or to sell lots in a subdivision may submit in connection with a request for an exemption order or for an exemption advisory opinion a complete Statement of Record (§ 1710.20). Such request shall not affect the date upon which the Statement of Record shall become effective.

(b) If a Statement of Record has become effective prior to the issuance of an exemption order or of an exemption advisory opinion of the Secretary to the effect that the method of disposition is exempt, the developer shall elect within 30 days of the date of such order or opinion whether he intends to rely upon such order or opinion or intends for the Statement of Record to remain in effect. Unless the developer informs the Secretary to the contrary, the Statement of Record shall be deemed ineffective and permanently withdrawn, and it will be presumed that the developer intends to rely upon the order or opinion of the Secretary. Thereafter, the developer shall not represent to a purchaser that:

(1) The subdivision has been registered with the Secretary,

(2) The Statement of Record is in effect, or

(3) The Secretary has accepted any Property Report or similar information given to a purchaser.

If the developer does not intend to rely on the exemption order or on the exemption advisory opinion and so notifies the Secretary of his election within 30 days of the date of such order or opinion, he shall not thereafter represent to a purchaser that his method of sale, lease, or other disposition is exempt from the Act.

7. Paragraph (b) of § 1710.27 is revised to read as follows:

§ 1710.27 State filings—consolidations and amendments.

* * * * *

(b) *Requirement for amendment.* The Statement of Record and Property Report shall be amended within 15 days of the date on which the developer knows or should have known that there has been a material change.

* * * * *

8. Paragraph (g)(1) of § 1710.35 is revised to read as follows:

§ 1710.35 Payment of fees.

* * * * *

(g) * * *

(1) When the developer files a concurrent submission—request for exemption/Statement of Record—pursuant to § 1710.17, the fee required by paragraphs (b) through (e) of this section shall be submitted. If the Secretary advises or orders that the offering is exempt under § 1710.10, § 1710.13, or § 1710.14 and the developer does not notify the Secretary within 30 days thereafter that he intends for the Statement of Record to remain in effect, the Secretary will refund the submitted fee except for $100. If the developer notifies the Secretary that he intends for the Statement of Record to remain in effect or if the request for exemption is denied the fee required by this paragraph will be retained.

* * * * *

§ 1710.45 [Amended]

9. In the second sentence of paragraph (b)(1) of § 1710.45, the phrase "issue and order" is changed to read "issue an order".

10. The following corrections are made in § 1710.105:

a. In Part I.D., "Supporting documentation:", delete lines 1 and 2 thereunder.

b. In Part X.D.1., a new line is added after c., to read as follows:

d. ----------

c. In the portion of § 1710.105 which is designated as "Instructions for Completion of Statement of Record", the following corrections are made:

i. In the next to the last paragraph preceding "Part I. Administrative Information", the word "therefore" is changed to read "therefor."

ii. In Part I.B.4. delete "2" following "D.".

iii. In Part VII.C.3., the word "with" is changed to read "within".

d. The part of § 1710.105 which is designated as "Instructions for Completion of Statement of Record", Part VII.C.1. is amended to read as follows:

§ 1710.105 Statement of Record—format and instructions.

* * * * *

INSTRUCTIONS FOR COMPLETION OF STATEMENT OF RECORD

* * * * *

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN THE SUBDIVISION

* * * * *

C. Supporting documentation.

1. If the developer is to complete access routes, submit a copy of any contracts and a copy of any bonds or escrow agreements to guarantee completion thereof. If the access routes are to be completed by the local government submit a copy of a letter from the local authorities setting forth the plan for completion of access routes and maintenance thereof.

* * * * *

11. The following amendments are made in § 1710.110:

a. Paragraph 8.(c) is revised to read as follows:

§ 1710.110 **Property Report and lease addendum—format instructions.**

* * * * *

8.(c) List all permissible uses of the property based upon local zoning ordinances.

* * * * *

b. In paragraph 15.(a) the word "had" is corrected to read "and".

c. In paragraph 18, delete the comma after the word "land".

d. The word "Reqiurements" in that portion designated as "Additional Requirements for Property Report" is corrected to read "Requirements".

e. In paragraph e. following "Additional Requirements for Property Report", the numeral "10" is corrected to read "2"; the word "Ten" is corrected to read "Two".

§ 1710.120 [Amended]

12. The following corrections are made in § 1710.120:

a. In paragraph "D. Supporting documentation:", following "Administrative Information", delete lines 1 and 2.

b. In "SEC. II.C.", the word "asknowledges" in the phrase "and (2) asknowledges by his signature" is corrected to read "acknowledges".

§ 1710.125 [Amended]

13. In the introductory paragraph of § 1710.125, "§ 1710.17(b)" is corrected to read "§ 1710.15".

14. In § 1710.130, the last sentence is revised to read as follows:

§ 1710.130 **Effective date.**

* * * All State filings, amendments and consolidations made on or after January 27, 1972, shall comply with these regulations.

(Sec. 7(d), Department of Housing and Urban Development Act, 79 Stat. 670, 42 U.S.C. 3535(d); sec. 1419, 82 Stat. 598, 15 U.S.C. 1718; Secretary's delegation of authority published at 37 F.R 5071)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (4–1–72).

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.72-5035 Filed 3-30-72;8:51 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

VETERANS' PENSIONS AND DEATH BENEFITS

These regulatory changes implement the provisions of Public Law 92–197 (85 Stat. 660) and Public Law 92–198 (85 Stat. 663), effective January 1, 1972, which provide increases in monthly rates and other entitlement liberalizations for veterans' pension and death benefits for widows, children and parents.

1. In § 3.2, paragraph (h) is amended to read as follows:

§ 3.2 **Periods of war.**

* * * * *

(h) *Mexican border period.* May 9, 1916 through April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the waters adjacent thereto. (38 U.S.C. 101(30); Public Law 92–198, 85 Stat. 663)

2. In § 3.3, paragraphs (c) and (d)(3) are amended to read as follows:

§ 3.3 **Pension.**

* * * * *

(c) *Disability pension; Mexican border period, and later war periods.* Basic entitlement exists if the veteran:

(1) Served 90 days or more in either the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era, or served an aggregate of 90 days or more in separate periods of service during the same or, effective July 21, 1961, during different war periods, including service during the Spanish-American War (38 U.S.C. 521(g); Public Law 92–198, 85 Stat. 663); or

(2) Was discharged or released from such service before having served the stated 90 days for a disability service connected without benefit of presumptive provisions of law, or at the time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability; and

(3) Is permanently and totally disabled from non-service-connected disability not due to his own willful misconduct or vicious habits, or by reason of having attained the age of 65 years. (38 U.S.C. 502, 521)

(d) *Death pension.* * * *

(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c) (1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement exists under the provisions of this subparagraph, effective January 1, 1971, for the widow or child of a deceased veteran of the Mexican border period. (38 U.S.C. 541, 542)

3. In § 3.4, paragraph (c) is amended to read as follows:

§ 3.4 **Compensation.**

* * * * *

(c) *Death compensation.* Basic entitlement exists for a widow, child or children, and dependent parent or parents if:

(1) The veteran died before January 1, 1957; or

(2) The veteran died on or after May 1, 1957, and before January 1, 1972, if at the time of death a policy of U.S. Government Life Insurance or National Service Life Insurance was in effect under waiver of premiums under 38 U.S.C. 724 unless the waiver was granted under the first proviso of section 622(a) of the National Service Life Insurance Act of 1940, and the veteran died before his return to military jurisdiction or within 120 days thereafter. (38 U.S.C. 321, 341, former 417(a); Public Law 92–197, 85 Stat. 660) (See § 3.5(d) as to Public Health Service.)

* * * * *

4. In § 3.5, paragraphs (b)(3), (c), and (e)(3) are amended to read as follows:

§ 3.5 **Dependency and indemnity compensation.**

* * * * *

(b) *Entitlement.* Basic entitlement for a widow, child or children, and parent or parents of a veteran exists, if:

* * * * *

(3) Death occurred on or after May 1, 1957, and before January 1, 1972, and the claimant had been ineligible to receive dependency and indemnity compensation because of the exception in subparagraph (1) of this paragraph. In such case dependency and indemnity compensation is payable upon election. (38 U.S.C. 410, 416, 417, Public Law 92–197, 85 Stat. 660)

(c) *Exclusiveness of remedy.* No person eligible for dependency and indemnity compensation by reason of a death occurring on or after January 1, 1957, shall be eligible by reason of such death for death pension or compensation under any other law administered by the Veterans Administration. (38 U.S.C. 417)

* * * * *

(e) *Widow's rate.* * * *

(3) If there is a widow with one or more children under the age of 18 (including a child not in the widow's actual or constructive custody and a child who is in active military, air, or naval service), the total amount payable shall be increased by $22 for each child. (38 U.S.C. 411(b); Public Law 92–197, 85 Stat. 660)

5. Section 3.17 is revised to read as follows:

§ 3.17 **Disability and death pension; Mexican border period and later war periods.**

In computing the 90 days' service required by § 3.3(c), there will be included active service which began before and extended into the Mexican border period or ended during World War I, or began or ended during World War II, the Korean conflict or the Vietnam era, if such service was continuous. Service during different war periods may be combined with service during any other war period to meet the 90 days' service requirement. (38 U.S.C. 521; Public Law 92–198, 85 Stat. 663)

6. In § 3.251(a), subparagraph (1) is amended to read as follows:

§ 3.251 **Income of parents; dependency and indemnity compensation.**

(a) *Annual income limitation.* (1) Dependency and indemnity compensation is not payable to a parent whose

annual income exceeds the following limitations:

(i) $2,300 ($2,600 effective January 1, 1972), one parent alone;

(ii) $2,300 ($2,600 effective January 1, 1972), separately, two parents not living together;

(iii) $3,500 ($3,800 effective January 1, 1972), combined income, two parents living together or remarried parent living with spouse;

(iv) Where there is only one parent, and the parent has remarried and is living with his spouse, dependency and indemnity compensation will be paid to him under either the formula in 38 U.S.C. 415(b)(1) or the formula in 38 U.S.C. 415(d), whichever will provide the greater monthly rate of dependency and indemnity compensation. The total combined annual income of the parent and his spouse will be counted. (38 U.S.C. 415; Public Law 92–197, 85 Stat. 660)

* * * * *

7. In § 3.252, paragraphs (a) and (b) are amended and subparagraph (4) is added to paragraph (e) so that the added and amended material reads as follows:

§ 3.252 Annual income; pension; Mexican border period—and later war periods.

(a) *Annual income limitation; protected pension.* Where the right to pension under laws in effect on June 30, 1960, is protected under § 3.956, pension is not payable to an unmarried veteran, or to a widow without a child, or to or on account of a child, whose annual income exceeds $1,900 ($2,200 effective January 1, 1972); or to a married veteran or a veteran with a child, or to a widow with a child whose annual income exceeds $3,200 ($3,500 effective January 1, 1972).

(b) *Annual income and net worth limitation; Public Law 86–211.* Pension is not payable to an unmarried veteran, or to a widow without a child, whose annual income exceeds $2,300 ($2,600 effective January 1, 1972), or to or on account of a child whose annual income (excluding earned income of a child-claimant) exceeds $2,000; or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds $3,500 ($3,800 effective January 1, 1972); or to a veteran, widow or child if it is reasonable that some part of the claimant's estate be consumed for his maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income, as provided in § 3.262(b). (38 U.S.C. 521, 541, 542, and 543)

* * * * *

(e) *Widow with a child.* * * *

(4) *Alternative rate.* Whenever the monthly pension rate payable to the widow under the formula in 38 U.S.C. 541(c) is less than the rate payable for one child under section 542 if the widow were not entitled, the widow will be paid the child's rate. (38 U.S.C. 541(c), 542; Public Law 92–198, 85 Stat. 663)

8. In § 3.260, paragraph (g) is added to read as follows:

§ 3.260 Computation of income.

* * * * *

(g) *Fractions of dollars.* In computing a claimant's annual income a fraction of a dollar will be disregarded for the purpose of determining entitlement to monthly payments of pension and dependency and indemnity compensation. (38 U.S.C. 415(g)(2); 503(b); Public Law 92–197, 85 Stat. 660; Public Law 92–198, 85 Stat. 663)

9. In § 3.261(b), subparagraph (1) is amended to read as follows:

§ 3.261 Character of income; exclusions and estates.

The following factors will be considered in determining whether a claimant meets the requirements of §§ 3.250, 3.251, and 3.252 with reference to dependency, income limitations and corpus of estate:

* * * * *

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension—protected (veterans, widows and children)	Pension—Public Law 86–211 (veterans, widows and children)	See
(b) *Deduction of amounts paid by claimant:*					
(1) Unusual medical expenses.	Not authorized.	Authorized....	Not authorized.	Authorized....	§3.262(b)(2), §3.262(i), §3.262(l).
* * *	* * *	* * *	* * *	* * *	* * *

10. In § 3.262, paragraphs (b)(2), (e)(4), (i), (k)(5) and (6), (l), (m), and (n) are amended to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(b) *Income of spouse.* Income of the spouse will be determined under the rules applicable to income of the claimant.

* * * * *

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under Public Law 86–211 (73 Stat. 432), to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $1,200 or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements. (38 U.S.C. 521(f))

* * * * *

(e) *Retirement benefits; general.* * * *

(4) *Dependency and indemnity compensation.* Except as provided in this subparagraph, effective January 1, 1967, in determining income for dependency and indemnity compensation purposes, 10 percent of the retirement payments received by a deceased veteran's parent or by the parent's spouse will be excluded. The remaining 90 percent will be considered income as received. Where a parent was receiving or entitled to receive dependency and indemnity compensation and retirement benefits based on his own employment on December 31, 1966, the retirement payments will not be considered income until the amount of the claimant's personal contribution (as distinguished from amounts contributed by the employer) has been received. Thereafter the 10 percent exclusion will apply. (38 U.S.C. 415(g), 503(a)(6); sec. 7(b), Public Law 89–730)

* * * * *

(i) *Compensation (civilian) for inury or death.* (1) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or by Social Security Administration, or by Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death, less medical, legal, or other expenses incident to the injury or death, or the collection or recovery of such moneys will be considered income as received, except as provided in subparagraph (2) of this paragraph. The criteria of paragraph (l) of this section are for application as to all medical expenditures after such award or settlement. (Public Law 92–198, 85 Stat. 663)

(2) For pension, effective October 7, 1966, and for dependency and indemnity compensation effective January 1, 1967 if payments based on permanent and total disability or death are received from the Bureau of Employees' Compensation, Social Security Administration or Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, there will be excluded 10 percent of the payments received after deduction of medical, legal, and other expenses as authorized by subparagraph (1) of this paragraph. The 10 percent exclusion does not apply to damages collected incident to a tort suit under other than an employer's liability law of the United States or a political subdivision of the United States, or to determinations of dependency for compensation purposes.

* * * * *

(k) *Property.* * * *

(5) *Sale of property; Public Law 86–211 and dependency and indemnity compensation.* For pension under Public Law 86–211 (73 Stat. 432) and for dependency and indemnity compensation, profit from the sale of real or personal property other than in the course of a business

will not be considered income. This applies to property acquired either before or after the date of entitlement. Any amounts received in excess of the sales price will be counted as income. Where payments are received in installments, principal and interest will not be counted separately. For pension, this provision is effective January 1, 1965; for dependency and indemnity compensation, January 1, 1967. (38 U.S.C. 503(a)(10); 38 U.S.C. 415(g))

(6) *Payments on mortgages on real property; Public Law 86–211.* Effective January 1, 1971, for the purposes of Public Law 86–211 (73 Stat. 432), an amount equaling any prepayments made by a veteran or widow on a mortgage or similar type security instrument in existence at the death of veteran or spouse on real property which prior to the death was the principal residence of the veteran and spouse will be excluded from consideration as income if such payment was made after the death and prior to the close of the year succeeding the year of death. (38 U.S.C. 503(a)(14).)

(l) *Unusual medical expenses.* Within the provisions of subparagraphs (1) through (4) of this paragraph there will be excluded from the amount of the claimant's annual income any unreimbursed amounts which have been paid within the calendar year for unusual medical expenses regardless of the year the indebtedness was incurred. The term "unusual" means "excessive". It does not describe the nature of a medical condition but rather the amount expended for medical treatment in relationship to the claimant's resources available for sustaining a reasonable mode of life. Unreimbursed expenditures which exceed 5 percent of the claimant's reported annual income will be considered unusual. Health, accident, sickness and hospitalization insurance premiums will be included as medical expenses in determining whether the claimant's unreimbursed medical expenses meet the criterion for "unusual." A claimant's statement as to amounts expended for medical expenses ordinarily will be accepted unless the circumstances create doubt as to its credibility. An estimate based on a clear and reasonable expectation that unusual medical expenditure will be realized may be accepted for the purpose of authorizing prospective payments of benefits subject to necessary adjustment in the award upon receipt of an amended estimate or after the end of the calendar year upon receipt of an income questionnaire.

(1) *Veterans.* For the purpose of Public Law 86–211 (73 Stat. 432), there will be excluded unreimbursed amounts paid by the veteran for unusual medical expenses of himself, his spouse, his children, his parents, and other of his relatives in the ascending as well as descending class whom he is under a moral or legal obligation to support and who are members or constructively members of his household.

(2) *Widows.* For the purposes of Public Law 86–211 (73 Stat. 432), there will be excluded unreimbursed amounts paid by the widow for the unusual medical expenses of herself, the veteran's children, and other of her relatives in the ascending as well as descending class whom she is under a moral and legal obligation to support and who are members or constructively members of her household.

(3) *Children.* For the purposes of Public Law 86–211 (73 Stat. 432), there will be excluded unreimbursed amounts paid by a child for the unusual medical expenses of himself, his parent, and his brothers and sisters.

(4) *Parents.* For dependency and indemnity compensation purposes there will be excluded unreimbursed amounts paid by the parent for the unusual medical expenses of himself, his spouse, and other of his relatives in the ascending as well as the descending class whom he is under a moral or legal obligation to support and who are members or constructively members of his household. If the combined annual income of the parent and his spouse is the basis for dependency and indemnity compensation the exclusion is applicable to the combined annual income and extends to the unusual unreimbursed medical expenses of the spouse's relatives in the ascending as well as descending order whom she is under moral or legal obligation to support and who are members or constructively members of the household. (38 U.S.C. 415(g)(3); 503(c); 521(f); Public Law 92–198, 85 Stat. 663)

(m) *Veteran's final expenses; pension.* In claims for pension under Public Law 86–211 (73 Stat. 432), there will be excluded, as provided in paragraph (p) of this section:

(1) From the income of a widow, amounts equal to amounts she, as wife, paid for the expenses of the veteran's last illness;

(2) From the income of a widow, or of a child of a deceased veteran where there is no widow, amounts equal to amounts paid by the widow or child for the veteran's just debts, for the expenses of his last illness, and for the expenses of his burial to the extent such expenses are not reimbursed by the Veterans' Administration. (38 U.S.C. 503(a)(7))

(n) *Final expenses of veteran's spouse or child; pension.* In claims for pension under Public Law 86–211 (73 Stat. 432), there will be excluded, as provided in paragraph (p) of this section:

(1) From the income of a veteran, amounts equal to amounts paid by him for the last illness and burial of his deceased spouse or child; and

(2) From the income of a wife or widow, amounts equal to amounts paid by her as wife or widow of the deceased veteran for the last illness and burial of a child of such veteran. (38 U.S.C. 503(a)(9))

11. In § 3.351, paragraphs (a) and (c) are amended to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Indian War veterans (38 U.S.C. 511); Spanish-American War veterans (38 U.S.C. 512); and for veterans of the Mexican border period, World War I, World War II, the Korean conflict or the Vietnam era (38 U.S.C. 521). Additional pensions for widows in need of regular aid and attendance is provided for widows of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in Mexican border period service, World War I, World War II or the Korean conflict (38 U.S.C. 544). Additional dependency and indemnity compensation and death compensation for widows and for parents in need of regular aid and attendance is provided for widows and for parents of veterans of all periods of service. (38 U.S.C. 322(b), 411(c), 415(h); Pubilc Law 92–197, 85 Stat. 660)

* * * * *

(c) *Aid and attendance; criteria.* The veteran, widow, or parent will be considered in need of regular aid and attendance if he or she:

(1) Is blind or so nearly blind as to have corrected visual acuity of 5/200 or less, both eyes, or concentric contraction of the visual field to 5° or less; or

(2) Is a patient in a nursing home on account of mental or physical incapacity; or

(3) Establishes a factual need for aid and attendance under the criteria set forth in § 3.352(a). (38 U.S.C. 502(b); Public Law 92–197, 85 Stat. 660)

* * * * *

12. Section 3.404 is added to read as follows:

§ 3.404 Parents.

Awards of additional amounts of compensation and dependency and indemnity compensation based on the parent's need for regular aid and attendance will be effective date of receipt of claim or date entitlement arose, whichever is the later. (See also § 3.400(c)(2)) Where the parent is provided hospital, institutional or domiciliary care at Veterans Administration expense, the effective date will be date of departure therefrom. (Public Law 92–197, 85 Stat. 660)

13. In § 3.450, paragraph (e) is amended to read as follows:

§ 3.450 General.

* * * * *

(e) The amount payable for any child or children in the widow's custody will be added to the widow's share and any amounts payable for children not in her custody will be deducted from her award.

* * * * *

14. In § 3.500, paragraphs (g) and (n) are amended to read as follows:

§ 3.500 General.

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a

payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit. (38 U.S.C. 3012(b))

* * * * *

(g) *Death (38 U.S.C. 3012(a), (b); Public Law 92–198, 85 Stat. 663)*—(1) *Payee.* Last day of month before death.

(2) *Dependent of payee (includes apportionee).* Last day of the calendar year in which death occurred.

(3) *Veteran receiving retirement pay.* Date of death.

* * * * *

(n) *Marriage (or remarriage) (38 U.S.C. 101(3), 3012(b); Public Law 92–198, 85 Stat. 663)*—(1) *Payee.* Last day of month before marriage.

(2) *Dependent of payee (includes apportionee).* Last day of the calendar year in which marriage occurred.

(3) *Inferred marriage of child.* As provided in subparagraph (1) or (2) of this paragraph.

(4) *Conduct of widow.* Last day of month before inception of relationship.

* * * * *

15. In § 3.501, paragraph (d) is amended to read as follows:

§ 3.501 Veterans.

The effective date of discontinuance of pension or compensation to or for a veteran will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(d) *Divorce (38 U.S.C. 3012(b)(2); Public Law 92–198, 85 Stat. 663).* Last day of the calendar year in which divorce occurred.

* * * * *

16. In § 3.502, paragraph (a) is amended to read as follows:

§ 3.502 Widows.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(a) *Additional allowance of dependency and indemnity compensation for children (38 U.S.C. 3012(b), Public Law 92–198, 85 Stat. 663; § 3.5(e)(3)).* Day preceding child's 18th birthday or last day of calendar year in which child's marriage occurred (see § 3.500(n) (2) and (3)), whichever is earlier.

* * * * *

17. Section 3.504 is added to read as follows:

§ 3.504 Parents; aid and attendance.

The effective date of discontinuance of an increased award because of the parent's need for aid and attendance will be the day of last payment if need for aid and attendance has ceased. If hospitalized at Veterans Administration expense as a veteran the date will be specified in § 3.552(b) (1) or (3). (Public Law 92–197, 85 Stat. 660)

18. In § 3.660, paragraph (a) is amended to read as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance*—(1) *General.* A veteran, widow, or child who is receiving pension, or a parent who is receiving compensation of dependency and indemnity compensation must notify the Veterans Administration of any material change or expected change in his income or other circumstances which would affect his entitlement to receive, or the rate of, the benefit being paid. Such notice must be furnished when he acquires knowledge that he will begin to receive additional income at a rate which if continued will cause his income to exceed the income limitation or increment applicable to the rate of the benefit being paid or when his marital or dependency status changes. In pension claims subject to § 3.252(b) and in compensation claims subject to § 3.250 (a)(2), notice must be furnished of any material increase in corpus of the estate or net worth.

(2) *Contingency.* Where reduction or discontinuance of a running award is required because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, or because of an increase in corpus of estate or net worth or because dependency of a parent ceased or became dependency ceased due to the dependent's marriage, divorce or death the award will be reduced or discontinued effective the last day of the calendar year in which the increase occurred or dependency ceased. (38 U.S.C. 3012; Public Law 92–198, 85 Stat. 663)

(3) *Overpayments.* Overpayments created by retroactive discontinuance of benefits will be subject to recovery if not waived. Where dependency and indemnity compensation was being paid to two parents living together, an overpayment will be established on the award to each parent.

* * * * *

19. In § 3.702, paragraph (a) is amended to read as follows:

§ 3.702 Dependency and indemnity compensation.

(a) *Right to elect.* A person who is eligible for death compensation and who has entitlement to dependency and indemnity compensation pursuant to the provisions of § 3.5(b) (2) or (3) may receive dependency and indemnity compensation upon the filing of a claim. The claim of such a person for service-connected death benefits shall be considered a claim for dependency and indemnity compensation subject to confirmation by the claimant. Payments may be authorized as of the date of entitlement provided the claim is filed within a reasonable period (not to exceed 120 days) before that date. The effective date of payment is controlled by the provisions of § 3.400(c)(3).

* * * * *

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

These VA regulations are effective January 1, 1972.

Approved: March 24, 1972.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.72-5012 Filed 3-31-72;8:47 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

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

APPROVAL CRITERIA FOR "AERO CLUBS"

These regulatory changes supply less restrictive approval criteria for the so-called "AERO Clubs" which are flying clubs considered to be governmental instrumentalities.

1. In § 21.4150, paragraph (f) is added to read as follows:

§ 21.4150 Designation.

* * * * *

(f) Approval of a course of education offered by any agency or instrumentality of the Federal Government shall be under the authority of the Administrator. (38 U.S.C. 1772(b).)

2. In § 21.4151, paragraph (b) is amended to read as follows:

§ 21.4151 Cooperation.

* * * * *

(b) State approving agencies are responsible for inspecting and supervising schools within the borders of their respective States and for determining those courses which may be approved for the enrollment of veterans and eligible persons. They are also responsible for ascertaining whether a school at all times complies with its established standards relating to the course or courses which have been approved. Under agreement with the Veterans Administration they will also be responsible for rendering services and obtaining information necessary for the Administrator's approval or disapproval under chapters 34 and 35 of courses of education offered by any agency or instrumentality of the Federal Government within the borders of their respective States. (38 U.S.C. 1772, 1773)

* * * * *

3. In § 21.4202(c), subparagraph (3) is added to read as follows:

§ 21.4202 Overcharges; restrictions on enrollments.

* * * * *

(c) *Restrictions—proprietary schools.*

* * *

(3) Flying clubs established, organized, and operated pursuant to regulations of a military department of the Armed Forces as "nonappropriated sundry fund

activities" are Government instrumentalities and are not proprietary schools within the scope of this paragraph.

4. In § 21.4251(a), subparagraph (1) is amended to read as follows:

§ 21.4251 Period of operation of course.

(a) *General.* A course offered by a school other than a job training establishment will be appropriate for the enrollment of a veteran or eligible person only if it has been in operation for 2 years or more immediately prior to the date of enrollment of such person, except that this provision does not apply to:

(1) Any course to be pursued in a public or other tax-supported educational institution including the flying clubs which are the subject of § 21.4202(c)(3) and any course of the nature contemplated under provisions of § 21.4235(a)(1) which is to be pursued at an institution operated by the Department of Defense;

* * * * *

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

These VA regulations are effective the date of approval.

Approved: March 28, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-5011 Filed 3-31-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

These changes are necessary to implement Federal Procurement Regulation Subpart 1-12.11, Listing of Employment Openings.

1. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005, *Standard FPR clauses not included in § 9-7.5004*, a new, § 9-7.5005-23, *Listing of employment openings*, is added as follows:

§ 9-7.5005 Standard FPR clauses not included in § 9-7.5004.

§ 9-7.5005-23 Listing of employment openings.

See FPR 1-12.1102-2.

2. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-2, *Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities)*, a new paragraph is added as follows:

§ 9-16.5002-2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities).

* * * * *

(43) Listing of employment openings—FPR 1-12.1102-2.

3. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-4, *Outline of a cost-plus-a-fixed-fee construction contract*, a new Article XXXVII, *Listing of employment openings*, is added as follows:

§ 9-16.5002-4 Outline of a cost-plus-a-fixed-fee construction contract.

* * * * *

Article XXXVII—Listing of Employment openings. Insert contract clause set forth in FPR 1-12.1102-2:

In witness whereof, the parties hereto have executed this contract as of the day and year above written:

UNITED STATES OF AMERICA
By _____
_____
(Title)

UNITED STATES ATOMIC ENERGY COMMISSION
_____
(Contractor)
By _____
_____
(Title)

I, _____, certify that I
(Attester)
am the _____ of the
(Title)
Contractor named in this contract; that _____ who signed this
(Signatory)
contract on behalf of said Contractor was then _____ of said Con-
(Title)
tractor; that this contract was duly signed for and on behalf of said Contractor by authority of its governing body and is within the scope of its legal powers.

In witness whereof, I have hereunto affixed my hand and the seal of said Contractor.

[SEAL] _____

4. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-5, *Outline of a cost-plus-a-fixed-fee architect-engineer contract*, a new Article XL, *Listing of Employment Openings*, is added as follows:

§ 9-16.5002-5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

* * * * *

Article XL—Listing of employment openings. Insert contract clause set forth in FPR 1-12.1102-2:

In witness whereof, the parties hereto have executed this Contract as of the day and year above written:

UNITED STATES OF AMERICA
By _____
_____
(Title)

UNITED STATES ATOMIC ENERGY COMMISSION
_____
(Contractor)
By _____
_____
(Title)

I, _____, certify that I
(Attestor)
am the _____ of the
(Title)
Contractor named under this contract; that _____ who signed this
(Signatory)
contract on behalf of said Contractor was then _____ of said Con-
(Title)
tractor; that this contract was duly signed for and on behalf of said Contractor by authority of its governing body and is within the scope of its legal powers.

In witness whereof, I have hereunto affixed my hand and the seal of said Contractor.

[SEAL] _____

5. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-8, *Outline of special research support agreement with educational institutions*, Articles B-XXVIII through XXX are revised as follows:

§ 9-16.5002-8 Outline of special research support agreement with educational institutions.

* * * * *

ARTICLE B-XXVIII—LISTING OF EMPLOYMENT OPENINGS

Insert the clause set forth in FPR 1-12.1102-2.

ARTICLE B-XXIX—DETERMINATION OF SUPPORT COSTS

(a) The term "Support Cost" as used in this contract means the Commission's share[1] of the sum of costs incurred by the Contractor for items included under Article A-II(a) of Appendix A which are in furtherance of the work hereunder, which are incurred in accordance with the provisions of this contract, and which are reported to the AEC in accordance with (b) below. The term "Cumulative Support Cost" as used in this contract means the total of the Support Cost incurred during the initial contract period plus any extension periods of the contract.

(b) Within 3 months after the end of each contract period set forth in Appendix A, and within 3 months after the termination or expiration of the total period of performance, the Contractor shall furnish a certified statement, executed by an official of the Contractor and also signed by the principal investigator, showing the Contractor's cost, and evidencing its performance under the contract, during the contract term just completed. The statement shall show all costs incurred during the pertinent contract term set forth in Appendix A for items under Article A-II(a) of Appendix A, including the Contractor's share, if any, of such costs, and show the extent of the Contractor's contribution of items listed under Article A-II(b)(1) of Appendix A. Costs included in the certified statement may include the following: Expenditures of cash; the cost of material and supplies transferred from stores inventory; and the amount due the Contractor for indirect costs in accordance with the rate and factor or factors shown in Appendix A of

[1] In those cases in which there is no proportionate sharing of costs, the Commission's "share" will be 100 percent. With respect to any period in which proportionate cost-sharing is applicable pursuant to Article A-III, it is understood that the Support Cost for that specified period will equal the stipulated percent of the sum of costs incurred by the Contractor during the stated period for items under A-II(a) of Appendix A, not to exceed 110 percent of the estimated Support Cost set forth in Article A-III for that contract period except as otherwise approved by the AEC.

the contract for the pertinent contract period. The costs for the pertinent contract period shall be consistent with the principles of the Bureau of the Budget Circular A–21, as constituted on the effective commencement date of said period. The certified statement shall be in the form set forth in Appendix C.

(c) The Contractor understands that the Commission expects to rely on this certified statement for determining the Support Cost for the pertinent contract period. With respect to any period in which proportionate costsharing is applicable, the Support Cost for the pertinent period will be determined by applying the percentage figure included in Article A–III for the pertinent period, to the certified cost of items included under Article A–II(a) incurred during the pertinent contract period. All charges to the AEC shall be subject to the approval requirements of this contract. The Contractor is expected to maintain auditable records as contemplated by Article B–II(c) to substantiate the costs incurred for items under Article A–II(a) and to show the extent of the Contractor's contribution of items listed under Article A–II(b)(1).

ARTICLE B–XXX—ADDITIONAL APPROVALS

(a) In addition to such approvals as are specifically required by other provisions of this contract, the Contractor shall obtain the Commission's approval for:

(1) Acquisition of:

(i) An item of equipment, not itemized in Appendix A, involving an acquisition cost in excess of $1,000 or 2 percent of the total estimated cost specified in A–III of Appendix A, whichever is greater, unless such equipment is merely a different model of an item listed in Appendix A. (When plant and equipment funds are provided for the acquisition of Government property, the Headquarters Program Divisions may require, in specific cases, that such funds be used only for acquiring the equipment designated in Article V, unless prior AEC approval has been obtained.)

(ii) Any equipment not itemized in Appendix A, the acquisition cost of which will cause the equipment dollar level shown in Article A–II(a) of Appendix A to be increased by $500 or more. (If plant and equipment funds are provided for the acquisition of equipment, with title to be vested in the Government, the total cost of such equipment acquisitions shall not exceed the amount budgeted for such equipment unless prior AEC approval has been obtained.)

(2) Purchase of any general-purpose equipment, such as office furniture or air conditioning, not specifically provided for in Appendix A, except that purchased without cost to the Commission.

(3) Incurring costs during the pertinent contract period set forth in Appendix A, for items set forth in Article A–II(a), in excess of 110 percent of the estimated cost specified in Article A–III for the pertinent contract period; charges to the Commission for any such costs incurred with the approval of the Commission shall also be subject to the limitations of Article III.

(4) A change of the principal investigator, or continuation of the research work without direction by an approved principal investigator. The principal investigator may increase or decrease the amount of effort which he devotes to the project without obtaining Commission approval; however, the principal investigator shall consult with the appropriate AEC Headquarters program representatives if he plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in Article A–I. The purpose of such consultation will be to determine what effect, if any, the anticipated change will have on the research work.

(b) No change in the phenomenon or phenomena under study, i.e., broad category of the research under this contract, shall be made without the specific written approval of the Commission; ordinarily, such changes, if approved by the Commission, will be accomplished through a new contract or a mutually agreed-to modification. The Contractor may change the specific objectvies in the research work described in this contract, provided it gives the Commission prompt notification of such changes; and the Contractor may continue to follow the new objectives while the Commission determines whether it wishes to continue the program under the changed approach.

APPENDIX C

U.S. ATOMIC ENERGY COMMISSION

Statement of Costs

1. Name and address of Contractor:_____

_____

2. Contract number:_____

3. Beginning and ending date of pertinent contract period: _____

_____

4. Costs incurred during the pertinent contract period. [List only those costs which are to be reimbursed by the AEC or proportionately shared by the parties in accordance with Article A–II(a) and Article A–III.]

Cost categories[1]	*Amount*
a. *Salaries and wages*_____ [List personnel included in Article A–II(a) of Appendix A in same detail as shown in the Contractor's payroll distribution or time and attendance records.]	$_____
b. *Supplies and materials*_____ [Show in same detail as in Appendix A.]	_____
c. *Equipment* _____ [List separately the cost of each piece of equipment separately listed in Appendix A to the contract or for which separate approval was obtained from AEC.]	_____
d. *Publications* _____	_____
e. *Travel* _____	_____
f. *Other* _____ [List separately each type of cost included in this category.]	_____
g. *Total direct expenditures*_____	_____
h. *Indirect charges*_____ [Indirect percent and expenditures to which percent is applied.]	_____
5. *Total costs* for items under Article A–II(a) for pertinent contract period_____	_____
6. *Support cost* for the pertinent contract period set forth in Appendix A, as defined in Article B–XXVII of the contract, chargeable to AEC for the pertinent contract period (percent of total costs using percent shown in Article A–III of Appendix A for pertinent period of contract) _____	_____
7. *Cumulative support cost* (support cost under this statement plus support cost for previous period of the contract)_____	_____
8. *Accumulated support ceiling* in Article III of the contract _____	_____
9. Provide information regarding contribution by the contractor of items listed in Article A–II(b) of Appendix A during pertinent contract period. State the extent of the Contractor's actual contribution; the measure of such contributions should be in the same terms as the Contractor's commitment under Article A–II(b), e.g., time, dollar, etc_____	_____

[1] The listing of categories should be consistent with the itemization in Appendix A.

I hereby certify that this report is true and correct to the best of my knowledge and belief and that the costs listed herein were incurred in connection with the performance of the research provided for under this contract and in accordance with the terms and conditions set forth therein.

_____
(Name and title of principal investigator)

_____ _____
(Signature) (Date)

_____
(Name and title of business officer)

_____ _____
(Signature) (Date)

In Subpart 9–16.50, Contract Outlines, § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions*, a new article, B–45—Listing of Employment Openings, is added as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B–45—LISTING OF EMPLOYMENT OPENINGS

Insert the clause set forth in FPR 1–12.1102–2.

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

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (4–1–72).

Dated at Germantown, Md., this 27th day of March 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.72–5031 Filed 3–31–72;8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19261; FCC 72–274]

EXPANDED NONVOICE COMMUNICATION TECHNIQUES

Report and order. In the matter of amendment of Parts 89, 91, and 93 of our rules to provide for expanded nonvoice communication techniques including radioteleprinter, radio-facsimile and ambulance telemetering, Docket No. 19261.

1. On June 21, 1971, the Commission issued a notice of proposed rule making in the above entitled matter which was published in the FEDERAL REGISTER on June 25, 1971 (36 F.R. 12114). Comments and reply comments in response to the notice were submitted by some 60 parties.[1] Each of the comments has been carefully considered and the major points raised will be discussed herein.

[1] Appendix A contains a listing of all the parties who submitted comments; filed as part of the original document.

2. Major rule amendments related to expansion of opportunities to utilize rapidly developing techniques in nonvoice radio communications in the land mobile radio services were proposed in this proceeding as follows:

(a) Radioteleprinter and facsimile transmissions would be permitted, under the interim rules adopted in Docket 18108, (First Report and Order Adopted August 13, 1969, FCC 69-893), in all private land mobile radio services governed by Parts 89, 91, and 93 where frequency coordination is required. This includes the Public Safety Services, except the Special Emergency Radio Service, all of the Land Transportation Services, and the Industrial Radio Services, except for the Business Radio Service with respect to operations below 450 MHz, and except for the Industrial Radiolocation Service.

(b) Two of the frequency pairs, previously reserved for possible radioteleprinter use[2] in the 460–470 MHz band, would be allocated to the Police Radio Service in the largest 20 cities, for development and operation of digital systems for information retrieval and other similar purposes.

(c) Allocation of five single mobile-only frequencies, again out of the 10 pairs previously reserved for possible radioteleprinter use, would be made available to the Special Emergency Radio Service for telemetry transmission of biomedical information, such as electrocardiogram readings from an ambulance to a hospital; consideration to be given also to possible allocation of the paired base frequencies for hospital to ambulance communications in connection with telemetry operations.

(d) Two pairs of 460 MHz frequencies, which are already allocated in the Fire Radio Service, would be redesignated primarily for ambulance telemetering and secondarily for other ambulance operations.

3. The comments supported the basic purposes of these proposals and for the reasons given below they are adopted, but with a number of modifications, particularly with respect to the proposals relating to ambulance telemetry operations, as discussed in the following paragraphs.

RADIOTELEPRINTER AND RADIOFACSIMILE

4. Radioteleprinter is presently permitted in the Fire, Police, and Railroad Radio Services and operational experience with this technique has convinced the Commission it would be feasible for all coordinated services and should be encouraged. In addition, we proposed to permit in all frequency coordinated services the transmission of facsimile because new developments and increased interest in this technique indicates it could also prove to be a valuable communications tool. The interim rule provisions proposed would permit licensing base stations, but not mobile units, to transmit in radioteleprinter and radiofacsimile modes in accordance with the following general standards:

(a) Base stations must be geographically frequency coordinated with existing cochannel voice systems within 75 miles for single-frequency systems and within 35 miles for two-frequency systems. (New voice systems would not be afforded protection from these operations);

(b) Applications must show manufacturer's identification for equipment or give a detailed system and data description;

(c) Transmitters type-accepted for use of F–3 emission may, under certain conditions, be utilized also for these nonvoice operations;

(d) Frequencies will not be assigned exclusively for these emissions;

(e) Station identification for these operations must be by voice.

5. While the comments supported these basic proposals, exceptions to the specific rules outlined above were requested. The American Petroleum Institute (API) urged that new voice operations should be given priority over established teleprinter or facsimile operations since "voice emissions will continue to be used to provide for the bulk of mobile communications in the Petroleum Radio Service for the foreseeable future." However, this would deny the nonvoice licensee a reasonable measure of protection for his investment and operations to which the Commission believes he is entitled. New voice systems, therefore, will have to tolerate interference on frequencies occupied by radioteleprinter or radiofacsimile, but we expect that the coordination process will prevent conflicts in this respect.

6. Salem, Va., objects to the geographic frequency coordination requirement, which it contends is too stringent and could preclude transmission of a facsimile "all points bulletin" on a common police frequency if one licensee did not provide clearance. We recognize that this could cause problems in certain areas of the country and we are hopeful that experience gained under our interim rules will provide needed data of the extent to which nonvoice techniques involving radioteleprinter and radiofacsimile are compatible with land mobile voice systems for possible future relaxation of this type of requirement. For the present, however, the mileage separation standards are considered necessary to effective sharing by nonvoice and voice systems of the limited number of available frequencies and this factor requires primary consideration in the rules.

7. Salem also requested, together with Raytheon, that teleprinter and facsimile operations be permitted from mobile units as well as from base stations. Salem argues that it foresees the development of a "mobile crime lab of photographs, sketches, diagrams, or other such information as would then be rebroadcast from the base station for the immediate use of field officers." Raytheon contends that "vehicle-to-base links * * * will permit greater spectrum utilization by creating the potential for utilizing more advanced communications techniques which have been and are in the process of development and test by industry." While both of these arguments have merit, the Commission believes that greater expansion than that proposed for teleprinter and facsimile operations is premature and should be delayed until there has been an opportunity for proper evaluation of systems in operation. This is the primary reason that the rule changes proposed for these systems are to be on an interim basis. Moreover, this does not prevent issuance of developmental authorizations for testing of additional methods for using nonvoice techniques and requests for a limited number of such authorizations will be considered on a case-by-case basis when it is demonstrated that an organized program has been planned looking towards the development of technical and operational factors along with a time table indicating the period of operation required to permit the required data to be acquired.

460 MHz FREQUENCIES FOR POLICE

8. The second major rule change proposed would allocate the frequency pairs 462.950/462.975 MHz (base-mobile) and 467.950/467.975 MHz (mobile only) to the Police Radio Service. These frequencies are taken from the radioteleprinter reservation and would be assignable in the 20 largest cities to be used for a wider application of nonvoice purposes, other than telemetry, telecommand, and automatic vehicle location.[3] They may also be utilized for radiotelephony, but only on a secondary basis to nonvoice operations.

9. As noted, the comments generally supported this proposed allocation and urged its adoption. The Electronics Industries Association (EIA) comment reflects the consensus in observing that the allocation "will permit police systems to be developed and optimized without the constraints of an integrated voice/nonvoice system and should encourage rapid development of such systems." A few parties, while agreeing with the need for additional frequencies for the nonvoice police operations, felt that the required channels should be dedicated from land mobile frequency pools which have been established to share the lower seven UHF–TV channels (Docket 18261). They argue that this will allow the reserved radioteleprinter frequencies to be assigned in other radio services for other purposes—for example, in the Special Emergency Radio Service for medical emergencies. However, requests to permit special uses on the "shared" UHF–TV frequencies were considered in Docket 18261 as discussed in the second report

[2] The reservation consists of 10 two-frequency channels reserved for possible radioteleprinter use in Docket 13847 (Second Report and Order, 11 FCC 2nd 648; 1963); see also notice of inquiry, Docket 18108 (33 F.R. 5323; 1968).

[3] One important use, described in our notice, is two-way digital communications for rapid access by police mobile units to central computer records; the data response could include visual display in the vehicle by radioteleprinter, radiofacsimile, or cathode ray tube.

and order (36 F.R. 12477 July 1, 1971), and will not be further considered herein.

10. The Commission's proposal to limit use of these allocations to the 20 largest cities was contested. A number of parties maintained that many small communities are developing nonvoice systems which should be accommodated on these frequencies. The Commission disagrees and believes that critical need for these frequencies exists in the major cities which encounter frequency congestion difficulties that preclude "same-channel" development of nonvoice systems, rather than in small communities where the message handling rate is much reduced and appears to afford the ability to establish effective integrated voice/nonvoice systems. Additionally, extending availability of these two frequency pairs to unlimited users and areas would present practical and perhaps insurmountable coordination problems to prevent cochannel interference. These problems are not involved in the 20 cities proposed since there is sufficient geographic separation between them to permit ready coordination and to minimize such interference. For these reasons, we are retaining the proposed provision that the use of these frequencies be confined to the larger cities. At the same time, there is justification and latitude for enlarging upon the group of 20 cities. Study of locations of the next 10 largest cities indicates that they can also utilize the 460 MHz frequencies without likelihood of cochannel interference. We are, therefore, modifying the proposed rule to include the Nation's largest 30 cities.[4]

11. A problem noted by International Business Machines Corp. (IBM) concerns station identification. IBM contends that "interrupting base station data transmissions in high speed high volume nonvoice systems to meet the station identification requirements of § 89.-153 will be inefficient and burdensome." The Commission agrees and since only the readily identifiable 30 largest cities can operate on these frequencies, an exception to present station identification requirements is being provided for these licensees. They are advised, however, that this exception may be withdrawn as part of rule changes the Commission anticipates proposing for automatic station identification requirements in the land mobile services.

12. IBM also recommends, in the interest of minimizing the necessity for extensive investment in new equipment, that we allow transmitters type-accepted for voice emission to be used also for nonvoice operations to cover systems authorized on the new 460 MHz police frequencies. A provision of this nature is already included in the interim rules for radioteleprinter and radiofacsimile operations and we find that a similar provision should be adopted for the new frequencies.

[4] Appendix B lists these cities as taken from the 1970 Federal Census; filed as part of the original document.

BIOMEDICAL TELEMETRY SYSTEMS

13. The remaining group of rule amendments proposed in this proceeding provides for regular licensing of ambulance biomedical telemetry systems. The Commission has been aware of the importance of this radio technique to the efforts of the medical community to improve prehospitalization treatment for cardiac patients, accident victims, and others for whom emergency care is necessary. However, the rules contemplate voice operation primarily, and telemetering is generally not permitted on land mobile frequencies. In addition, these operations require the continuous carrier mode of transmission, as well as protection from interference from other systems. As a result, present medical telemetry systems are authorized on a developmental basis to produce data in actual operational environments concerning the need for, and feasibility of, such installations. Developmental telemetry systems have been authorized in both the 150 and 450 MHz bands where they have demonstrated their practicality and their significant potential for advancement to the life saving function of medical facilities. An important example has been the telemetering of electrocardiograms of heart attack victims to enable hospital-based physicians to provide instructions for administering effective preliminary emergency care. Similarly, telemetry is being employed for treatment of accident victims and the U.S. Department of Health, Education, and Welfare (HEW) concludes in its comments:

> It is reasonable to expect that biomedical telemetry used by an effective emergency medical service can help reduce this tragic loss because existing technology can provide the means for professional medical supervision of patient management by paramedical personnel on site and in transit to an emergency medical care facility.

14. In view of these advantages, the proposals would authorize biomedical telemetering systems on a regular basis in the Special Emergency and Fire Radio Services. The major feature of our original proposals is provision for 460 MHz mobile frequencies primarily for telemetry transmissions and secondarily for radiotelephony associated with the telemetry operation.[5] Five of the frequencies were to be allocated in Special Emergency Radio Service and are taken from the reserved radioteleprinter pool previously discussed. Base frequencies "paired" with these five frequencies were not proposed to be allocated but the Commission asked for comments as to whether they are needed to permit direct hospital to ambulance instructions. Two other mobile frequencies were intended primarily for Fire Radio Service Telemetry operations. Base station frequencies paired to these two frequencies were additionally proposed to be made available in the Fire Radio Service in the expectation that they would be utilized primarily for central dispatching of ambulances, both municipal and private, in connection with area-wide communications plans. Development of these plans, while not a requirement, was encouraged by the Commission in its notice for coordinated use of the seven 460 MHz mobile frequencies.

[5] In the Business Radio Service, the frequency band 216–220 MHz can be used for mobile telemetering but these frequencies are only available on a shared basis with U.S. Government operations and specific frequencies may not be available over a wide area. Consideration was also given to use of 150 MHz frequencies, but these channels must be shared for a number of other important voice and nonvoice uses and are not available to accommodate the telemetry function, as more fully discussed in paragraph 17, infra.

15. While, as noted, the comments essentially supported these basic proposals for telemetry operations, some parties wanted to go further to provide a new "Medical Radio Service" that would cover radio communication requirements of all medical personnel and facilities. HEW summarizes this position:

> * * * the Department of Health, Education, and Welfare feels that development of an effective nationwide emergency medical service is urgent if the nation is to meet its responsibilities to the sick and injured. The radio communications requirements for this emergency service should be met under a single set of rules and regulations affording the same priority and protection now available to the Police and Fire Radio Services. This can probably best be accomplished by establishing an Emergency Medical Service under Part 89 of the FCC rules and regulations.

However, the merits of a separate service concept and this recommendation are matters beyond the scope of this proceeding and will not be considered herein.

16. Most of the comments agreed that telemetry systems could effectively operate in the 460 MHz band. A few parties sought separate frequencies in the 150 MHz band for these operations instead of, or at least in addition to, the 460 MHz allocations. The argument was that this would permit utilization of their present equipment and tie-in with their regular base station operations for necessary communications related to telemetering activities. The Commission recognizes that these advantages exist for licensees, as do certain economic advantages and technical advantages including more favorable propagation characteristics in the 150 MHz band. The difficulty is that there is not a sufficient number of 150 MHz frequencies available for exclusive telemetry operations. Nor did the comments in this regard produce a reasonable solution. Most suggested that we permit licensees the option to use the hospital frequency 155.34 MHz for telemetry systems. But sharing of a single frequency in a given community would not, in our view, serve to meet anticipated emergency telemetering requirements. Further, the Commission believes that permitting telemetry in different bands would preclude development of coordinated operations which we considered desirable for the most effective

frequency utilization. In the final analysis, the Commission concludes, as did the majority of the comments, that 460 MHz allocations afford the best possible compromise. Frequencies in this band are already being utilized for successful developmental telemetry operations with minimal problems and we see no reason why similar results would not be experienced by regular systems with the added benefit that extended operations should contribute to development of improved equipment and operating methods for this technique. Accordingly, we are finalizing the proposals to provide for biomedical telemetry operations in the 450–470 MHz band.[6]

17. There was also concern in a few comments with the number of 460 MHz channels being provided. Los Angeles County called the proposed allocation for seven mobile frequencies "completely inadequate," claiming "it requires a minimum of 10 duplex channels which includes one for adjacent Orange County." This is in accord with the County's plan for each of its hospitals to have a separate frequency for its ambulance telemetry system. The county adds that it anticipated growth "in the future which would require frequencies in addition to the ten which we have requested."

18. The Commission is not unaware of the unusual problems faced by Los Angeles County, the original petitioner in this proceeding (RM–1712), and other densely populated communitiees in providing communication systems for their areas. In the notice, we commented concerning Los Angeles' showing for additional channels, as follows:

> While the number of frequencies, two pairs and five singles, is less than petitioner seeks, we believe that the number proposed will provide an adequate accommodation for biomedical telemetry based on a coordinated area approach.

The Commission feels that this remains the valid approach for the county. Even if it were not impractical within the present frequency complement to afford capability as requested by Los Angeles, greater operating advantage appears to lie in a "block" assignment method which can be utilized under a communication plan developed for the entire area served by the County. Rather than one frequency for each of its hospitals, this would provide multiple-channel capability which should be far more dependable for meeting emergency telemetry requirements. For these reasons, the Commission is adhering to the proposed number of frequencies being provided for ambulance telemetry transmissions.

19. Los Angeles' request for duplex capability for medical telemetry systems is an entirely different matter. The Commission discussed this problem in its notice and stated:

> If requested, we will designate base station frequencies from the pool which was formally reserved for radioteleprinters only. If this occurs, we would anticipate that dispatching would not be permitted thereon in order to insure channel availability for instructions to ambulances in response to telemetered patient data.

Los Angeles now confirms this need:

> During the 2 years that the Los Angeles County pilot program has been operational numerous instances have been documented to substantiate the importance of duplex operation whereby cardiac data is supplemented by voice consultation between the paramedic team and the cardiological team at the hospital.

Dr. Gary J. Anderson of Indiana University supports this view, which is also shared in a number of comments, and notes "the designation of frequencies for this purpose is necessary and places the expertise of the physician into the ambulance." Also, the Connecticut Advisory Committee on Emergency Medical Services reviews the difficulties associated with the alternatives to use of paired 460 MHz base frequencies:

> We strongly recommend that base station frequencies be assigned in such a fashion as to permit duplex operation between ambulances and hospitals. The medical necessity is obvious since telemetry without appropriate voice response and action is relatively useless. As presently proposed, the voice transmission would require using frequencies in another band which contains these inherent problems: (1) Transmission in two bands with different propagation characteristics, (2) the two bands are subject to different types of user traffic conditions, and (3) unnecessary duplication of costs.

20. The Commission agrees that paired base station frequencies are warranted to complement Special Emergency mobile telemetry communications. Accordingly, we are allocating five paired 460 MHz base/mobile frequencies to be available for base station operations in the Special Emergency Radio Service, in this application, for instructions concerning the telemetry function from hospitals or other medical-care facilities to field personnel, and not for central dispatching purposes or other hospital activities.

21. Nevertheless, we recognize the need for frequencies in the same frequency range for dispatching purposes to obviate the need for an ambulance to be equipped with two radio systems, one for dispatching and one for telemetry and telemetry-related communications. Accordingly, we are revising our original proposal so as to accommodate this objective. We will make available for dispatching purposes the two pairs of frequencies now allocated in the Fire Radio Service, namely 460.525/465.525 and 460.550/465.550 MHz, which we had proposed for telemetry functions in that service, to permit central dispatching of telemetry equipped ambulances by municipal as well as by nongovernmental entities. The base station frequencies in these pairs, i.e. 460,525 and 460.550 MHz, will be made available in addition to the Fire Radio Service in the Local Government and in the Special Emergency Radio Services. However, since ambulance operations (whether municipal or private) may be accommodated in the Special Emergency Radio Service, all of the seven mobile frequencies, including 465.525 and 465.550 MHz, would be allocated to the Special Emergency Radio Service only. The latter two frequencies will be authorized primarily for mobile unit response to dispatch operations and secondarily, on a showing of need, for mobile telemetry. This approach, we believe, would facilitate the licensing process and the establishment of coordinated area-wide dispatch and telemetry communications plans. In effect, therefore, the two frequency pairs mentioned above will complement the telemetry operations in the Special Emergency Radio Service in the 460 MHz band, and by providing an incentive for participation in a plan calling for cooperative area-wide use of telemetry channels, they will contribute to making the limited number of frequencies available that much more effective.

22. Another group of frequencies which we indicated in our notice might also be allocated, is four 3-watt Business Radio frequencies in the 450 MHz band. Comments were solicited concerning the need for these frequencies for low-power portable telemetering to the hospital from a patient, prior to his being placed in an ambulance, by means of automatic retransmission in the ambulance (mobile/mobile-relay). These frequencies may be required when communicating directly from patients to hospitals cannot be regularly accomplished on portable equipment in the 460 MHz band. The comments concurred that provision should be made for these operations, but most raised objections to reallocation and use of the four 450 MHz Business Radio frequencies. National Association of Business and Educational Radio (NABER), for example, listed a significant amount of licensed Business Radio Service operation on these frequencies which would have to be relocated to accommodate telemetry and contended that there is "no place for dislocated licensees to go." NABER, EIA, and others noted technical problems and objected to "a frequency separation from the mobile transmit frequency of some 11 MHz," when 5 MHz separation is the established standard for land mobile operations. Some supporting comments also raised problems. Hewlett-Packard Co. argued that "such allocation would limit these frequencies to undesirably low total user time in a region of the spectrum which is destined to become much more actively used in the near future"; Connecticut and Dr. Fred B. Vogt, of the University of Texas, maintained that it is "more logical" to allocate these frequencies as "input frequencies for repeaters" rather than just for ambulance relay.

23. This is not to say there was no unqualified support for these allocations as this too was reflected in some comments. Nevertheless, the Commission believes that the difficulties noted are significant and are going to require further study,

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[6] We will continue to license presently authorized developmental medical telemetry systems in other frequency bands for a maximum of two additional 1-year license terms to permit an adequate opportunity to convert the operations to frequencies in the 460–470 MHz band.

following greater development of telemetry systems, before informed analysis can be made for this allocation matter. We have determined, therefore, that another method for accommodating mobile/mobile-relay portable telemetry requirements should be adopted, at least temporarily. A suggestion from the American College of Cardiology and EIA to permit these operations on the five base station frequencies which we are allocating to the Special Emergency Radio Service appears to provide a partial answer, although, here too, there are apparent problems. For example, there is the interference potential of cochannel base station transmissions upon a portable telemetry signal and, also, there is the policy against encouraging mobile operations on base frequencies. Further, use of base frequencies for low-power mobile operation makes more difficult the passing of instructions from a hospital to the ambulance crew since duplex operation will not be possible during this phase of the system operation. However, on balance, the Commission feels, that in the interest of maximum spectrum utilization, these portable operations on base-designated frequencies are a reasonable compromise and will afford a solution for meeting this supplemental telemetry communication requirement in some systems. Provisions to this effect, therefore, are being provided.

24. To summarize the rule changes being adopted for ambulance to hospital biomedical telemetry systems, the Commission is providing seven base-mobile frequency pairs in the 460 MHz band for these operations as follows:

Base and mobile:	*Service and purpose*
460.525 460.550	Fire, local government, Special Emergency for dispatching.
463.000 463.025 463.050 463.075 463.100	Special Emergency for telemetry-related voice, and portable telemetry.
Mobile only:	
465.525 465.550	Special Emergency for dispatch-response and telemetry.
468.000 468.025 468.050 468.075 468.100	Special Emergency for telemetry and telemetry-related voice.

Thus, all of these frequencies are available in the Special Emergency Radio Service. The mobile frequencies are primarily assignable for telemetry transmissions, but supplemental voice operations related to the telemetry activity may also be conducted on mobile frequencies. The five base-designated frequencies 463.000 through 463.100 MHz are assignable for hospital to vehicle voice communications regarding the telemetry activity. They may also be used to accommodate the need for portable telemetering from patients before they can be placed into ambulances to telemeter from the patients through ambulance radios to a hospital (portable to mobile/mobile-relay). The two base-designated frequencies 460.525 and 460.550 MHz are assignable only for central dispatching of ambulance telemetry systems under an area-wide communication plan for coordinated use of telemetry frequencies. They may be assigned in the Special Emergency and Local Government Radio Services, in addition to the Fire Radio Service, for this purpose. (No other 460 MHz frequency is available for dispatching ambulance telemetry systems.) The two mobile-only frequencies, 465.525 and 465.550 MHz, are also available under an area-wide communication plan for central dispatching which will also permit their use for telemetry when they are needed for the latter purpose. These communications plans may incorporate a single licensee dispatching multiple telemetry systems, or a group of licensees operating independent or shared telemetry systems, or both. The object is to encourage and maximize the most effective use of the limited number of frequencies available for these purposes in a given area.

CONCLUSION

25. In consideration of the foregoing, the Commission finds that adoption of the proposed rule changes as modified herein, to extend radioteleprinter and radiofacsimile operations in the land mobile radio services to allocate two 460 MHz frequency pairs to the Police Radio Service for nonvoice operations, and to provide frequencies and standards for the operation of biomedical telemetry systems in Fire, Local Government, and Special Emergency Radio Services, serve the public interest, convenience, and necessity and should contribute to greater efficiency and effectiveness of nonvoice operations in the Land Mobile Services.

26. Accordingly, pursuant to authority contained in sections (4)(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered,* That, effective May 9, 1972, Parts 89, 91, and 93 of the Commission's rules are amended as shown in the attached Appendix C. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 23, 1972.

Released: March 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX C

Part 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

1. Section 89.122 and headnote are amended to read as follows:

§ 89.122 Interim provisions for operation of radioteleprinters and radiofacsimile devices.

These provisions authorize F2, F4, or F9 (audio frequency tone phase shift) emissions for radioteleprinter, radiofacsimile, or audio passband radiotelephony multiplexed with radioteleprinter or radiofacsimile, respectively, for base station use (other than on mobile only frequencies) in the Local Government, Police, Fire, Highway Maintenance, and Forestry-Conservation Radio Services, subject to the following conditions:

(a) Information is submitted with an application to establish that minimum separation between a proposed radioteleprinter or radiofacsimile base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for a single frequency mode of operation or 35 miles for a two frequency mode of operation, or, where this minimum mileage separation cannot be achieved, agreement to the use of F2, F4, or F9 emission has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and there is interference with voice operations, the licensee of the radioteleprinter or radiofacsimile system is responsible for eliminating the interference. New licensees of voice operations will be expected to share equally any frequency occupied by established radioteleprinter or radiofacsimile operations.

(b) The application lists the manufacturer and model number of the radioteleprinter or radiofacsimile system to be employed, or, in lieu thereof, contains a detailed technical description of the system and emitted data language.

(c) The requirements in this part applicable to use of F3 emission are also applicable to use of F2, F4, or F9 emission for radioteleprinters and radiofacsimile transmissions.

(d) The station identification required by § 89.153 must be given by voice.

(e) Frequencies will not be assigned exclusively for F2 or F4 emission for radioteleprinter or radiofacsimile.

(f) Transmitters type accepted under this part for use of F3 emission may also be used for F2, F4, or F9 emission for radioteleprinter or radiofacsimile, provided, for each of these emissions, the keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter of F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

2. In § 89.259, paragraph (d) and the table in paragraph (f) are amended and a new subparagraph (g)(13) is added to read as follows:

§ 89.259 Frequencies available to the Local Government Radio Service.

* * * * *

(d) Normally, no more than two frequencies will be assigned unless a request therefor is adequately supported by a satisfactory showing of need, provided that request for operation on the frequency 39.06 MHz will be approved upon satisfactory showing of a need even

[7] Commissioners Robert E. Lee and Johnson absent.

though the licensee already has been assigned two other frequencies or provided that an applicant who obtains authorization to operate on the frequency 39.06 MHz shall still be allowed to request and obtain two other frequency assignments in this service. Further, assignment of additional frequencies in the 460 MHz band may be authorized to dispatch biomedical telemetry operations in accordance with paragraph (g)(13) of this section.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
460.525	Base and mobile	13
460.550	do	13
* * *	* * *	* * *

(g) * * *

(13) This frequency may be assigned, without regard to the coordination requirements of § 89.15(b) to dispatch ambulances and personnel operating biomedical telemetry units authorized in the Special Emergency Radio Service under an area-wide radio communications plan. This frequency is also available for this purpose in the Fire and Special Emergency Radio Services.

* * * * *

3. In § 89.309, the table in paragraph (g) is amended, and a new subparagraph (h)(5) is added to read as follows:

§ 89.309 Frequencies available to the Police Radio Service.

* * * * *

(g) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
462.950	Base and mobile	5
462.975	do	5
* * *	* * *	* * *
467.950	Mobile only	2, 5
467.975	do	2, 5
* * *	* * *	* * *

(5) This frequency is available for assignment, without regard to the coordination requirements of § 89.15(b), in the largest 30 cities in the United States (1970 Federal Census) for the development and operation of nonvoice systems. F2, F4, or F9 emission will be authorized for use of this frequency, except that telemetry, telecommand, or automatic vehicle location systems may not be operated. F3 emission may also be authorized when required to supplement nonvoice operation. Transmitters type-accepted under this part for use of F3 emission may also be used for nonvoice operation on this frequency, provided that the audio keying signal is passed through the low pass audio frequency filter required in the transmitter for F3 emission, and provided further that the transmitter is so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission. Operation on this frequency is exempted from the station identification requirements of § 89.153.

* * * * *

4. In § 89.359, paragraphs (c) and (f) table are amended, and a new subparagraph (g)(10) is added to read as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

(c) Normally no more than two frequencies will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need. One such need specifically contemplated herein is for the assignment of an additional frequency or frequencies for common intracounty, intrafire district, or intrastate fire coordination operations; the frequency or frequencies requested must be in accord with an approved frequency utilization plan, for the area involved, on file with the Commission. Another need contemplated herein is for assignment of additional frequencies in the 460 MHz band to dispatch biomedical telemetry operations in accordance with paragraph (g)(10) of this section.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
460.525	Base and mobile	10
460.550	do	10
* * *	* * *	* * *

(g) * * *

* * * * *

(10) This frequency may be assigned, without regard to the coordination requirements of § 89.15(b) to dispatch ambulances and personnel operating biomedical telemetry units authorized in the Special Emergency Radio Service under an area-wide radio communications plan. This frequency is also available for this purpose in the Local Government and Special Emergency Radio Services.

* * * * *

5. In § 89.525, paragraphs (c) and (e) table are amended, new subparagraphs (f)(1), (2), (4), (5), (8), and (11) are added, and paragraph (g) is deleted and designated [Reserved] to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

* * * * *

(c) The operation of mobile systems in the Special Emergency Radio Service will be restricted to the use of only one frequency; providing that (1) an additional frequency may be authorized when mobile relay stations are authorized pursuant to paragraph (h) of this section; and (2) one or more additional frequencies in the 460 MHz band may be assigned, as needed, for bio-medical telemetry operations in accordance with paragraph (f)(2), (4), (5), and (8) of this section.

* * * * *

(e) * * *

Frequency or band	Class of station(s)	Limitations
* * *	* * *	* * *
460.525	Base and mobile	1, 2
460.550	do	1, 2
463.000	do	1, 4
463.025	do	1, 4
463.050	do	1, 4
463.075	do	1, 4
463.100	do	1, 4
465.525	Mobile only	1, 8
465.550	do	1, 8
468.000	do	1, 5, 11
468.025	do	1, 5, 11
468.050	do	1, 5, 11
468.075	do	1, 5, 11
468.100	do	1, 5, 11

(f) * * *

(1) For two-frequency systems, separation between base and mobile transmit frequencies is 5 MHz.

(2) This frequency may be assigned to disptach ambulances and personnel operating biomedical telemetry units in this service under an area-wide radio communications plan. This frequency is also available for this purpose in the Fire and Local Government Radio Services.

* * * * *

(4) This frequency is available for assignment to hospitals under § 89.503 for communication with medical-care vehicles and personnel equipped with biomedical telemetry capability. Use of this frequency is further authorized for telemetry or voice tranmissions from a portable telemetering unit to an ambulance for automatic retransmission (mobile/relay) from a patient to a hospital or other medical-care facility. When using telemetry emission, the continuous carrier mode of operation is authorized for this frequency.

(5) This frequency is available for assignment to operate mobile biomedical telemetry units in ambulances and other medical-care vehicles, or when hand-carried by medical personnel. F2 and F9 emission may be authorized; F3 emission may also be authorized on a secondary basis when required for the telemetering activity. When using telemetry emission, the continuous carrier mode of operation is authorized for this frequency.

* * * * *

(8) This frequency may be assigned primarily for mobile dispatch response by ambulances and personnel operating biomedical telemetry units in this service under an area-wide radio communications plan involving central dispatching on the associated base-mobile frequency 460.525 or 460.550 MHz. When authorized for this dispatch response purpose, this frequency may be used on a secondary basis for the purposes and in the manner set forth in subparagraphs (1), (5), and (11) of this paragraph.

* * * * *

(11) Mobile stations authorized to operate on this frequency may be used to extend the range of transmission between portable telemetering units and

hospitals or other medical-care facilities. Each mobile station used for this purpose shall be so designed and installed that it will be activated only by means of a continuous tone device, the absence of which will deactivate the mobile transmitter. The continuous tone device is not required when the mobile station is equipped with a switch that must be activated to change the mobile unit to the automatic mode.

* * * * *

(g) [Reserved]

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

1. New § 91.113 is added to read as follows:

§ 91.113 Interim provisions for operation of radioteleprinters and radiofacsimile devices.

These provisions authorize F2, F4, or F9 (audio frequency tone shift or tone passband radiotelephone multiplexed with radioteleprinted or radiofacsimile, respectively) for base station use (other than on mobile-only or on paging only frequencies) in the radio services in this part, other than the Industrial Radiolocation Service. In the Business Radio Service the authority extends only to those frequencies subject to the coordination requirements set forth in the § 91.8 of the rules. These provisions are subject to the following conditions:

(a) Information is submitted with an application to establish that minimum separation between a proposed radioteleprinter or radiofacsimile base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for a single frequency mode of operation or 35 miles for a two frequency mode of operation or, where this minimum mileage separation cannot be achieved, agreement to the use of F2, F4, or F9 emission has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and there is interference with voice operations, the licensee of the radioteleprinter or radiofacsimile system is responsible for eliminating the interference. New licensees of voice operations will be expected to share equally any frequency occupied by established radioteleprinter or radiofacsimile operations.

(b) The application lists the manufacturer and model number of the radioteleprinter or radiofacsimile system to be employed, or, in lieu thereof, contains a detailed technical description of the system and emitted data language.

(c) The requirements in this part applicable to use of F3 emission are also applicable to use of F2, F4, or F9 emission for radioteleprinters and radiofacsimile transmissions.

(d) The station identification required by § 91.152 must be given by voice.

(e) Frequencies will not be assigned exclusively for F2 or F4 emission for radioteleprinter or radiofacsimile.

(f) Transmitters type-accepted under this part for use of F3 emission may also be used for F2, F4, or F9 emission for radioteleprinter or radiofacsimile, provided, for each of these emissions, the keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

PART 93—LAND TRANSPORTATION RADIO SERVICES

1. Section 93.113 and headnote are amended to read as follows:

§ 93.113 Interim provisions for operation of radioteleprinters and radiofacsimile devices.

These provisions authorize F2, F4, or F9 (audio frequency tone shift or tone phase shift) emissions for radioteleprinter, radiofacsimile, or audio passband radiotelephony multiplexed with radioteleprinter or radiofacsimile, respectively, for base station use (other than on mobile frequencies) in the radio services covered by this part subject to the following conditions:

(a) Information is submitted with an application to establish that minimum separation between a proposed radioteleprinter or radiofacsimile base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for a single frequency mode of operation or 35 miles for a two-frequency mode of operation, or, where this minimum mileage separation cannot be achieved, agreement to the use of F2, F4, or F9 emission has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and there is interference with voice operations, the licensee of the radioteleprinter or radiofacsimile system is responsible for eliminating the interference. New licensees of voice operations will be expected to share equally any frequency occupied by established radioteleprinter or radiofacsimile operations.

(b) The application lists the manufacturer and model number of the radioteleprinter or radiofacsimile system to be employed, or, in lieu thereof, contains a detailed technical description of the system and emitted data language.

(c) The requirements in this part applicable to use of F3 emission are also applicable to use of F2, F4, or F9 emission for radioteleprinters and radiofacsimile transmissions.

(d) The station identification required by § 93.152 must be given by voice.

(e) Frequencies will not be assigned exclusively for F2 or F4 emission for radioteleprinter or radiofacsimile.

(f) Transmitters type-accepted under this part for use of F3 emission may also be used for F2, F4, or F9 emission for radioteleprinter or radiofacsimile, provided, for each of these emissions, the keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

[FR Doc.72-4966 Filed 3-31-72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-1-72).

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, Martin, S. Dak., 57551 is permitted only on the Little White River Recreational Area, and the portion of Cedar Creek Dam No. 1 that is within the refuge, and Cedar Creek Dams Nos. 2 and 3, which are designated by signs as open to fishing. These open areas comprising a total of 165 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the Little White River Recreational Area extends from March 24, 1972 through December 31, 1972, inclusive; daylight hours only.

(2) The open season for sport fishing on the Cedar Creek Dams Nos. 1, 2, and 3 extends from May 15, 1972 through December 31, 1972, inclusive; daylight hours only.

(3) The use of motorized vehicles on ice is prohibited.

(4) The use of boats on the Cedar Creek Dams Nos. 1, 2, and 3 is prohibited.

(5) The use of live minnows on the Cedar Creek Dams Nos. 1, 2, and 3 is prohibited.

(6) Opening and closing dates on Cedar Creek Dams will be subject to road conditions, wildlife nesting requirements, and availability of fish.

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife Refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1972.

VICTOR M. HALL,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

MARCH 24, 1972.

[FR Doc.72-5016 Filed 3-31-72;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Controlled Foreign Corporations Not Availed of To Reduce Taxes

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 1, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601 (b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 1, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 954(b)(4) of the Internal Revenue Code of 1954, relating to exception for foreign corporations not availed of to reduce taxes, to section 909 of the Tax Reform Act of 1969 (83 Stat. 718), such regulations are amended as follows:

PARAGRAPH 1. Section 1.954 is amended by revising section 954(b)(4) and the historical note to read as follows:

§ 1.954 Statutory provisions; foreign base company income.

SEC. 954. *Foreign base company income.* * * *

(b) *Exclusions and special rules.* * * *

(4) *Exception for foreign corporations not availed of to reduce taxes.* For purposes of subsection (a), foreign base company income does not include any item of income received by a controlled foreign corporation if it is established to the satisfaction of the Secretary or his delegate that neither—

(A) The creation or organization of such controlled foreign corporation under the laws of the foreign country in which it is incorporated (or, in the case of a controlled foreign corporation which is an acquired corporation, the acquisition of such corporation created or organized under the laws of the foreign country in which it is incorporated), nor

(B) The effecting of the transaction giving rise to such income through the controlled foreign corporation,

has as one of its significant purposes a substantial reduction of income, war profits, or excess profits or similar taxes.

* * * * *

[Sec. 954 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006); as amended by sec. 909, Tax Reform Act 1969 (83 Stat. 718)]

PAR. 2. Section 1.954–1(b) is amended by revising the heading and subdivision (i) of subparagraph (3) and by adding a new subparagraph (4). These amended and added provisions read as follows:

§ 1.954–1 Foreign base company income.

* * * * *

(b) *Exclusions from foreign base company income.* * * *

(3) *Income of controlled foreign corporations not availed of to substantially reduce income or similar taxes; taxable years ending on or before October 9, 1969*—(i) *General rule.* Foreign base company income does not include any item of gross income if it is established to the satisfaction of the district director that the creation or organization of the controlled foreign corporation receiving such item of gross income does not have the effect of substantially reducing income, war profits, excess profits, or similar taxes with respect to such item. See section 954(b)(4). For taxable years ending after October 9, 1969, see also subparagraph (4) of this paragraph.

* * * * *

(4) *Income of controlled foreign corporations not availed of to substantially reduce income or similar taxes; taxable years ending after October 9, 1969*—(i) *General rule.* Foreign base company income of a controlled foreign corporation for any taxable year ending after October 9, 1969, does not include any item of gross income received or accrued by such corporation during such year if it is established that both (*a*) the creation or organization of such corporation under the laws of the foreign country or possession of the United States in which it incorporated, and (*b*) the effecting through such corporation of the transaction which gives rise to such income did not have as a significant purpose a substantial reduction of income, war profits, excess profits, or similar taxes. If the controlled foreign corporation receives or accrues an item of income in respect of which there has been no substantial reduction for the taxable year of income, war profits, excess profits, or similar taxes, it may, without reference to (*a*) or (*b*) of this subdivision, be excluded from foreign base company income under section 954(b)(4) and this subparagraph. On the other hand, if the controlled foreign corporation receives or accrues an item of income in respect of which there has been a substantial reduction for the taxable year of income, war profits, excess profits, or similar taxes, it may not be excluded from foreign base company income under section 954(b)(4) and this subparagraph if there is a failure to satisfy the requirements of either (*a*) or (*b*) of this subdivision. If it is established that the creation or organization of such corporation under the laws of the foreign country or possession of the United States in which it is incorporated did not have as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes, then only that income may be excluded for the taxable year in respect of which it is established that the effecting through such corporation of the transaction giving rise to such income did not have as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes. If with respect to the U.S. shareholder the foreign corporation became a controlled foreign corporation by reason of the acquisition of its stock, rather than by reason of its creation or organization under the laws of the foreign country or possession of the United States in which it is incorporated, it must be established, for purposes of (*a*) of this subdivision, that the acquisition of such corporation did not have as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes.

(ii) *Substantial reduction of income taxes.* For purposes of this subparagraph, a determination as to whether there has been a substantial reduction of income, war profits, excess profits, or similar taxes with respect to an—

(*a*) Item of foreign personal holding company income described in § 1.954–2 shall be made by applying the principles of subparagraph (3)(ii) of this paragraph, or

(*b*) Item of foreign base company sales income described in § 1.954–3 or an item of foreign base company services income described in § 1.954–4 shall be made by applying the principles of subparagraph (3) (iii) and (iv) of this paragraph.

For illustrations of cases in which for purposes of this subparagraph it may be determined whether or not there has been a substantial reduction of income, war profits, excess profits, or similar taxes with respect to an item of income,

see the examples in subparagraph (3) (viii) of this paragraph.

(iii) *Significant purpose defined.* For purposes of this subparagraph, to be significant a purpose must be important, but it is not necessary that it be the principal purpose or the purpose of first importance.

(iv) *Application of significant purpose test.* For purposes of determining whether the creation or organization of a controlled foreign corporation in a particular foreign country or possession of the United States, or whether the acquisition of a controlled foreign corporation in that country or possession, or whether the effecting of the income-producing transaction through that corporation had as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes, all the facts and circumstances involved will be taken into account. Among the factors to be considered are the various purposes for the action; the type of business carried on or to be carried on, by the controlled foreign corporation; the classes of income derived, or to be derived, by such corporation; the frequency with which the particular item of income is derived; the effective rate of tax imposed on such income; the place in which the income-producing transaction occurs or the source of such income; and the location of the persons purchasing the corporation's goods or services. Generally, if the income-producing activity carried on by a controlled foreign corporation takes place within the foreign country or possession of the United States in which the corporation is created or organized, the creation or organization of the corporation in that country or possession will not be considered to have as a significant purpose a substantial reduction of income, war profits, excess profits, or similar taxes.

(v) *Manner of demonstrating lack of tax reduction purpose.* It is the U.S. shareholder's responsibility, in accordance with § 1.964–3 and paragraph (d) (6) of § 1.964–4, to provide the district director with books or records sufficient to verify the gross income excluded from foreign base company income under section 954(b) (4) and this subparagraph. However, if the U.S. shareholder of a controlled foreign corporation desires to establish in respect of a proposed transaction that neither the creation or organization (or acquisition) of such corporation under the laws of the foreign country or possession of the United States in which it is incorporated nor the effecting through such corporation of the transaction giving rise to an item or items of income has as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes, he may forward a statement setting forth sufficient facts and circumstances to the Commissioner of Internal Revenue, Attention: Income Tax Division, Washington, D.C. 20224, for a ruling. Where the Commissioner determines that a ruling is appropriate, a letter setting forth the Commissioner's determination will be mailed to the taxpayer. If the Commissioner determines that, upon the basis of the facts presented, the exclusion of section 954(b) (4) and this subparagraph applies to the income involved, the taxpayer should retain a copy of the Commissioner's letter as authority for excluding such income from foreign base company income for the taxable year.

(vi) *Other applicable rules.* The principles of subparagraph (3) (vi) of this paragraph, relating to effect of the exclusion under section 954(b) (4) upon other amounts, and subparagraph (3) (vii) of this paragraph, relating to a branch treated as a separate wholly owned subsidiary corporation, apply for purposes of this subparagraph.

(vii) *Illustration.* The application of this subparagraph may be illustrated by the following example:

Example. A controlled foreign corporation is incorporated under the laws of a foreign country. In the past the controlled foreign corporation has organized a number of other corporations in that country to operate radio and television stations there. The purpose of establishing these other corporations was to form a centrally managed radio and television network. The controlled foreign corporation's stock interest in these other corporations ranges from 10 percent to 100 percent. By reason of its stock interests and for other financial or technical reasons, the controlled foreign corporation has exercised effective practical control over the other corporations. The controlled foreign corporation also has conducted several businesses in the foreign country for a number of years which are related to the communications network it has been attempting to establish. In 1969, the communications agency of the foreign country changes its policy and rules that foreign corporations may not own more than 10 percent of the stock of local communications corporations. Since the controlled foreign corporation is more than 50 percent owned by U.S. persons, it is treated by the communications agency of the foreign country as being subject to this new rule. Because of this policy change, the controlled foreign corporation sells all its shares of stock in the radio and television corporations in the foreign country and realizes capital gains on the sales which are not taxed by the foreign country. Under this subparagraph, these gains are excluded from foreign base company income, since the controlled foreign corporation was organized in the foreign country to actively engage in business in that country and because the acquisition and the sale of the stock of the radio and television corporations by the controlled foreign corporation (rather than by its parent corporation or an affiliated corporation) did not have as one of its significant purposes a substantial reduction of income or similar taxes.

* * * * *

PAR. 3. Section 1.964–4 is amended by revising paragraph (d) (6) to read as follows:

§ 1.964–4 Verification of certain classes of income.

* * * * * *

(d) *Foreign base company income and exclusions therefrom.* * * *

(6) *Income on which taxes are not substantially reduced.* The gross income excluded from foreign base company income under section 954(b) (4) and paragraph (b) (3) or (4) of § 1.954–1 in the case of a controlled foreign corporation not availed of to substantially reduce income taxes, the income or similar taxes incurred with respect thereto, and all other factors necessary to verify the application of such exclusion.

* * * * *

[FR Doc.72–5047 Filed 3–31–72;8:49 am]

[26 CFR Part 301]

PROCEDURES AND ADMINISTRATION

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco, and Firearms Division, within the 30-day period. In such a case, a pubic hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to (1) conform the regulations to changes in law, (2) provide that the regional counsel shall authorize or sanction forfeiture proceedings, (3) provide for certain functions to be performed by Directors of Service Centers, (4) reflect recent organizational changes, and (5) make other conforming and editorial changes, the regulations in 26 CFR Part 301 are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 301.6091–1, subparagraph (2) of paragraph (a) of § 301.6402–2, and paragraph (c) of § 301.6404–1, and §§ 301.7321–1, 301.7322–1, 301.7328–1, 301.7601–1, and 301.7622–1, are amended by changing "assistant regional commissioner (alcohol and tobacco tax)", wherever it appears, to read "assistant regional commissioner (alcohol, tobacco and firearms)".

PAR. 2. Paragraph (b) of § 301.6091 is revised to reflect changes made in section 6091, I.R.C., by Public Law 89–713. As amended, § 301.6091(b) reads as follows:

§ 301.6091 Statutory provisions; place for filing returns or other documents.

* * * * *

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations.*

(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) at a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) persons who have no legal residence or principal place of business in any internal revenue district,

(ii) citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

(2) *Corporations.*

(A) *General rule.* Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

(i) in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

(ii) at a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) corporations which have no principal place of business or principal office or agency in any internal revenue district,

(ii) corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iii) foreign corporations

shall be made at such place as the Secretary or his delegate may by regulations designate.

(3) *Estate tax returns.* Returns of estate tax required under section 6018 shall be made to the Secretary or his delegate in the internal revenue district in which was the domicile of the decedent at the time of his death or, if there was no such domicile in an internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(4) *Hand-carried returns.* Notwithstanding paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or (2)(A)(i), as the case may be.

(5) *Exceptional cases.* Notwithstanding paragraph (1), (2), (3), or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Public Law 89–713 (80 Stat. 1107)]

PAR. 3. Subparagraph (3) of paragraph (a) of § 301.6311–1 is amended to conform to recent organizational changes and to delete an obsolete reference. As amended, § 301.6311–1(a)(3) reads as follows:

§ 301.6311–1 Payment by check or money order.

(a) *Authority to receive* * * *

(3) *Payment of tax on distilled spirits, wine, beer, cigars, or cigarettes; proprietor in default.* Where a check or money order tendered in payment for taxes on distilled spirits, wines, beer, or rectified products (imposed under chapter 51 of the Code), or cigars or cigarettes (imposed under chapter 52 of the Code) is not paid on presentment, or where a taxpayer is otherwise in default in payment of such taxes, any remittance for such taxes made during the period of such default, and until the assistant regional commissioner (alcohol, tobacco, and firearms) finds that the revenue will not be jeopardized by the acceptance of personal checks (if acceptable to the district director under subparagraph (1) of this paragraph), shall be in cash, or shall be in the form of a certified, cashier's, or treasurer's check, drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State or possession of the United States, or a money order as described in subparagraph (1) of this paragraph.

* * * * *

PAR. 4. Section 301.6423–1 is amended to reflect changes in law made by Public Law 89–44. As amended, § 301.6423–1 reads as follows:

§ 301.6423–1 Conditions to allowance in the case of alcohol and tobacco taxes.

For regulations under section 6423, see Part 170 of this chapter, relating to distilled spirits, wine, and beer; and Part 296 of this chapter, relating to cigars, cigarettes, and cigarette papers and tubes.

PAR. 5. In § 301.6653, subparagraph (1) of paragraph (c), and paragraph (d) are amended to reflect changes in law made by Public Law 91–172, and the statutory citation is updated. As amended, § 301.6653(c)(1), § 301.6653(d), and the statutory citation read as follows:

§ 301.6653 Statutory provisions; failure to pay tax.

* * * * *

(c) *Definition of underpayment.* * * *

(1) *Income, estate, gift, and chapter 42 taxes.* In the case of a tax to which section 6211 (relating to income, estate, gift, and chapter 42 taxes) is applicable, a deficiency as defined in that section (except that, for this purpose, the tax shown on a return referred to in section 6211(a)(1)(A) shall be taken into account only if such return was filed on or before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing), and

* * * * *

(d) *No delinquency penalty if fraud assessed.* If any penalty is assessed under subsection (b) (relating to fraud) for an underpayment of tax which is required to be shown on a return, no penalty under section 6651 (relating to failure to file such return or pay tax) shall be assessed with respect to the same underpayment.

* * * * *

[Sec. 6653 as amended by sec. 86, Technical Amendments Act 1958 (72 Stat. 1665); secs. 101(j)(50) and 943(c)(6), Public Law 91–172 (83 Stat. 531, 729)]

PAR. 6. Section 301.6805–1 is amended by reflecting changes resulting from the transfer of functions from offices of district directors to service centers and by deleting subparagraph (3) of paragraph (a). As amended, § 301.6805–1 reads as follows:

§ 301.6805–1 Redemption of stamps.

(a) *Authorization.* (1) Upon receipt of satisfactory evidence of the facts by the district director or director of the service center, he may make allowance for or redeem stamps issued under the authority of any internal revenue law if—

(i) The stamps have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or

(ii) The owner of the stamps has no use therefor.

(2) If a stamp has been in use for any period of time, it may not be redeemed under section 6805. Similarly, no allowance shall be made for stamps which have been lost or stolen.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof. Claims for the redemption of or allowance for stamps shall be made on Form 843 and filed with the district director or director of the service center within three years from the date of the purchase of the stamps from the Government. The stamps for which redemption or allowance is claimed shall be submitted with the claim. If the stamps are destroyed or damaged to the extent that they cannot be presented for redemption or allowance, proof satisfactory to the district director or director of the service center that they have been destroyed or so damaged must accompany the claim before allowance or redemption shall be made. In any case where the actual date of purchase of the stamps from the Government cannot be established, it must be definitely shown in the claim whether they were so purchased within three years prior to the date of filing of the claim.

(c) *Time for filing claims.* No claim for the redemption of, or allowance for, stamps shall be allowed under this section unless presented within 3 years after the purchase of such stamps from the Government.

(d) *Finality of decisions.* The findings of fact in and the decision of the district director or director of the service center upon the merits of any claim presented under or authorized by this section, shall in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

PAR. 7. Section 301.6806–1 is amended by conforming it with changes made in section 6806, I.R.C., by Public Laws 89–44 and 90–618. As amended, § 301.6806–1 reads as follows:

§ 301.6806–1 Posting occupational tax stamps.

For provisions relating to the posting of specific stamps used with respect to a particular tax, other than a special tax under subchapter B of chapter 35, subchapter B of chapter 36, or subtitle E, see the regulations relating to such tax. For penalties for failure to post occupational tax stamps, see section 7273.

PAR. 8. Section 301.7210 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C. As amended, § 301.7210 reads as follows:

§ 301.7210 Statutory provisions; failure to obey summons.

SEC. 7210. *Failure to obey summons.* Any person who, being duly summoned to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under sections 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), 7602, 7603, and 7604(b), neglects to appear or to produce such books, accounts, records, memoranda, or other papers, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution.

[Sec. 7210 as amended by sec. 4(h), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 208(d)(3), Highway Revenue Act 1956 (70 Stat. 396); sec. 202(c)(4), Public Law 89–44 (79 Stat. 139); sec. 207(d)(9), Public Law 91–258 (84 Stat. 249)]

PAR. 9. Section 301.7326 is amended by conforming the section with changes made in section 7326, I.R.C., by Public Laws 89–44 and 91–513; and paragraph (c) of § 301.7326–1 is amended by deleting a reference of § 177.102 and by inserting in lieu thereof a reference to § 178.166. As amended, §§ 301.7326 and 301.7326–1(c) read as follows:

§ 301.7326 Statutory provisions; disposal of forfeited or abandoned property in special cases.

SEC. 7326. *Disposal of forfeited or abandoned property in special cases*—(a) *Coin-operated gaming devices.* Any coin-operated gaming device as defined in section 4462 upon which a tax is imposed by section 4461 and which has been forfeited under any provision of this title shall be destroyed, or otherwise disposed of, in such manner as may be prescribed by the Secretary or his delegate.

(b) [Repealed]

(c) *Firearms.* For provisions relating to disposal of forfeited firearms, see section 5862(b).

[Sec. 7326 as amended by sec. 204(13), Excise Tax Technical Changes Act 1958 (72 Stat. 1429); sec. 601(j), Public Law 89–44 (79 Stat. 155); sec. 1102(f), Public Law 91–513 (84 Stat. 1292)]

§ 301.7326–1 Disposal of forfeited or abandoned property in special cases.

* * * * *

(c) *Firearms.* For regulations relating to the disposal of forfeited firearms or ammunition, see § 178.166 of this chapter (Commerce in Firearms and Ammunition), and § 179.182 of this chapter (Machine Guns, Destructive Devices, and Certain Other Firearms).

PAR. 10. Paragraph (a) of § 301.7401–1 is amended to reflect an organizational change. As amended, § 301.7401–1(a) reads as follows:

§ 301.7401–1 Authorization.

(a) *In general.* No civil action for the collection or recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner (or the Director, Alcohol, Tobacco, and Firearms Division, with respect to the provisions of subtitle E of the Code), or the Chief Counsel for the Internal Revenue Service or his delegate authorizes or sanctions the proceedings and the Attorney General or his delegate directs that the action be commenced.

* * * * *

PAR. 11. In § 301.7602–1, paragraphs (b) and (c) are amended by including references to sections 6424(d)(2) and 6427(e)(2), I.R.C., and by updating the title in subparagraph (3) of paragraph (c). As amended, § 301.7602–1 (b) and (c) read as follows:

§ 301.7602–1 Examination of books and witnesses.

* * * * *

(b) *Summons.* For the purposes described in paragraph (a) of this section the officers and employees of the Internal Revenue Service designated in paragraph (c) of this section are authorized to summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, or care of books of accounts containing entries relating to the business of the person liable for tax or required to perform the act, or any other person deemed proper, to appear before a designated officer or employee of the Internal Revenue Service at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry. The officers and employees designated in paragraph (c) of this section may designate any other employee of the Internal Revenue Service as the individual before whom a person summoned pursuant to section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall appear. Any such other employee, when so designated in a summons, is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records, or other data produced in compliance with the summons. The authority to issue a summons may not be redelegated.

(c) *Persons who may issue summons.* The following officers and employees of the Internal Revenue Service are authorized to issue a summons pursuant to section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602—

(1) Regional commissioners and district directors.

(2) Inspection: Assistant Commissioner; director and assistant directors, Internal Security Division; regional inspectors; and all internal security inspectors.

(3) Alcohol, Tobacco, and Firearms: Assistant regional commissioners.

(4) Intelligence: Director; assistant director; assistant regional commissioners; executive assistants to assistant regional commissioner; chiefs, Review and Conference Staff; reviewer-conferees; chiefs and assistant chiefs of divisions, branches, and sections; group supervisors; and special agents of the national regional and district offices.

(5) International Operations: Director; assistant director; chiefs of divisions, branches, and groups; special agents; internal revenue agents; estate tax examiners, revenue service representatives; and assistant revenue service representatives.

(6) Collection: Chiefs and assistant chiefs of divisions; chiefs and assistant chiefs of the Delinquent Accounts and Returns Branches; group supervisors; and revenue officers.

(7) Audit: Chiefs of divisions and branches; group supervisors; internal revenue agents; and estate tax examiners.

PAR. 12. Section 301.7603 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C. As amended, § 301.7603 reads as follows:

§ 301.7603 Statutory provisions; service of summons.

SEC. 7603. *Service of summons.* A summons issued under sections 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall be served by the Secretary or his delegate, by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode; and the certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty.

[Sec. 7603 as amended by sec. 4(i), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 208(d)(4), Highway Revenue Act 1956 (70 Stat. 396); sec. 202(c)(4), Public Law 89–44 (79 Stat. 139); sec. 207(d)(9), Public Law 91–258 (84 Stat. 249)]

PAR. 13. Section 301.7603–1 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C., and to reflect changes in organization and position titles. As amended § 301.7603–1 reads as follows:

§ 301.7603–1 Service of summons.

(a) *In general.* A summons issued under section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall be served by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode. The certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty.

(b) *Persons who may serve summons.* The following officers and employees of the Internal Revenue Service are authorized to serve a summons issued under section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602—

(1) The officers and employees designated in paragraph (c) of § 301.7602–1, and

(2) Alcohol, Tobacco, and Firearms: Chiefs; assistant chiefs; chief special investigators; special investigators; area supervisors; chief inspectors; and inspectors.

The authority to serve a summons may be redelegated only by the Assistant Commissioner (Inspection), regional commissioners, assistant regional commissioners (alcohol, tobacco and firearms), district directors, and the Director of International Operations to officers and employees under their jurisdiction.

PAR. 14. Section 301.7608–1 is amended to reflect changes in position titles. As amended, § 301.7608–1 reads as follows:

§ 301.7608–1 Authority of internal revenue enforcement officers.

Any special investigator, agent, or other internal revenue officer by whatever term designated, whom the Commissioner, Assistant Commissioner (Compliance), Director, Alcohol, Tobacco, and Firearms Division, regional commissioner, or assistant regional commissioner (alcohol, tobacco, and firearms) charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of subtitle E of the Code or any other law of the United States pertaining to the commodities subject to tax under such subtitle for the enforcement of which such officers are responsible, may perform the functions provided in section 7608.

PAR. 15. Paragraph (g) of § 301.7623–1 is amended to refer to the current designation of this Division and of certain officers and employees. As amended, § 301.7623–1(g) reads as follows:

§ 301.7623–1 Rewards for information relating to violations of internal revenue laws.

* * * * *

(g) *Claims involving Alcohol, Tobacco, and Firearms Division.* Rewards for information leading to the detection and punishment of persons guilty of violating the internal revenue laws administered by the Alcohol, Tobacco, and Firearms Division shall be handled consistently with the provisions of this section, except that—

(1) Assistant regional commissioners (alcohol, tobacco, and firearms), under the direction and supervision of the regional commissioners, shall perform all functions delegated to district directors by these regulations, and

(2) The Director, Alcohol, Tobacco, and Firearms Division, Washington, D.C. 20224, shall perform all functions delegated to the Director, Intelligence Division, Washington, D.C. 20224, by these regulations.

PAR. 16. In § 301.7652, paragraph (a)(3) is amended to conform it to changes made in section 7652, I.R.C., by Public Law 89–44, and the statutory citation at the end of § 301.7652 is amended. As amended, § 301.7652(a)(3) and the statutory citation read as follows:

§ 301.7652 Statutory provisions; shipments to the United States.

SEC. 7652. Shipments to the United States—(a) *Puerto Rico*—(1) *Rate of tax.*
* * *

(3) *Deposit of internal revenue collections.* All taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be covered into the treasury of Puerto Rico.

* * * * *

[Sec. 7652 as amended by sec. 204 (17), (18), Excise Tax Technical Changes Act 1958 (72 Stat. 1430); sec. 808(b)(3), Public Law 89–44 (79 Stat. 164)]

PAR. 17. Section 301.7652–1 is amended to delete references to tobacco materials and tobacco products. As amended, § 301.7652–1 reads as follows:

§ 301.7652–1 Shipments to the United States.

For regulations under section 7652, see Part 179 of this chapter, relating to machineguns, destructive devices, and certain other firearms; Part 250 of this chapter, relating to liquors and articles from Puerto Rico and the Virgin Islands; and Part 275 of this chapter, relating to cigars, cigarettes, and cigarette papers and tubes.

PAR. 18. Section 301.7653–1 is amended to delete references to tobacco materials and tobacco products. As amended, § 301.7653–1 reads as follows:

§ 301.7653–1 Shipments from the United States.

For regulations under section 7653, see Part 179 of this chapter, relating to machineguns, destructive devices, and certain other firearms; Part 196 of this chapter, relating to stills; Part 252 of this chapter, relating to exportation of liquors; and Part 290 of this chapter, relating to exportation of cigars, cigarettes, and cigarette papers and tubes.

PAR. 19. Paragraph (f) of § 301.9000–1 is amended to include reference to tobacco and explosives cases and to conform it to provisions of 26 CFR 601.702(d)(12). As amended, § 301.9000–1(f) reads as follows:

§ 301.9000–1 Procedure to be followed by officers and employees of the Internal Revenue Service upon receipt of a request or demand for disclosure of internal revenue records or information.

* * * * *

(f) *State liquor, tobacco, firearms, or explosives cases.* Assistant regional commissioners (alcohol, tobacco, and firearms) or the Director, Alcohol, Tobacco, and Firearms Division, may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize special investigators and other employees under their supervision to attend trials and administrative hearings in liquor, tobacco, firearms, or explosives cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities: *Provided,* That such production or testimony will not divulge information contrary to section 7213 of the Code, nor divulge information subject to the restrictions in section 5848. See also 18 U.S.C. 1905.

* * * * *

[FR Doc.72–5041 Filed 3–31–72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

RIGHTS-OF-WAY OVER INDIAN LANDS

Tenure of Approved Right-of-Way Grants

MARCH 24, 1972.

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

Notice is hereby given that it is proposed to revise § 161.18 of Part 161, Subchapter O, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in 5 U.S.C. 301; in the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328).

The purpose of the amendment is to revise 25 CFR 161.18 by providing individual property owners, especially those acquiring homesite properties under various Federal housing programs, the privilege of acquiring access roads to homesite properties in perpetuity.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Economic Development, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

As revised, 25 CFR 161.18 will read as follows:

§ 161.18 Tenure of approved right-of-way grants.

All rights-of-way granted under the regulations in this Part 161 shall be in the nature of easements for the periods stated in the conveyance instrument. Except as otherwise determined by the Secretary and stated in the conveyance instrument, rights-of-way granted under the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328), for railroads, telephone lines, telegraph lines, public roads and highways, access roads to homesite properties, public sanitary and storm sewer lines including sewage disposal and treatment plants, water control and use projects (including but not limited to dams, reservoirs, flowage easements, ditches, and canals), oil, gas, and public utility water pipelines (including pumping stations and appurtenant facilities), electric power projects, generating plants, switchyards, electric transmission and distribution lines (including poles, towers, and appurtenant facilities), and for service roads and trails essential to any of the aforestated use purposes, may be without limitation as to term of years; whereas, rights-of-way for all other purposes shall be for a period of not to exceed 50 years, as determined by the Secretary and stated in the conveyance instrument.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.72-4992 Filed 3-31-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Modification of Grade Requirements

Notice is hereby given of a proposal to amend § 987.203(b)(2) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; and 37 F.R. 5282) so that restricted dates for products meet the minimum standards of quality prescribed in § 987.202 instead of the additional grade requirements in § 987.203(b)(2). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the California Date Administrative Committee.

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

The proposal is to amend § 987.203(b) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; 37 F.R. 5282) by revising subparagraph (2) as follows:

§ 987.203 Additonal grade regulations.

* * * * *

(b) * * *

(2) *Restricted dates to be disposed of in other approved outlets.* Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 as products shall meet the minimum standards of quality set forth in § 987.202. Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 by export to Mexico shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the U.S. Standards for Grades of Dates, as aforesaid: *Provided,* That Deglet Noor dates shall score (i) not less than 24 points for the factor of absence of defects, except that dates damaged by broken skin, by mashing, and by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor, and (ii) not less than 29 points for the factor of character.

Dated: March 28, 1972.

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

[FR Doc.72-5005 Filed 3-31-72;8:46 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Termination of Existing Authorization for Export of Field-Run Dates to Certain Countries

Notice is hereby given of a proposal to terminate the existing authorization for exports of field-run Deglet Noor dates to France and Belgium. The authorization is effective pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the California Date Administrative Committee.

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

The proposal is to amend § 987.156 of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 36 F.R. 23137; 37 F.R. 1159; and 37 F.R. 5282) by revoking paragraph (b).

Dated: March 28, 1972.

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

[FR Doc.72-5006 Filed 3-31-72;8:46 am]

[7 CFR Part 1046]

MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rule making was issued by the Deputy Administrator, Regulatory Programs, on March 16, 1972, with respect to proposed suspension of a certain provision of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. Interested persons were invited to submit views, data, or arguments to the Hearing Clerk not later than March 24, 1972, in connection with the proposed suspension.

The provision in § 1046.51(b) proposed to be suspended reads, "and for the months of April through August such price less 10 cents." Suspension of this language from the order would have maintained the Class II price, during the April–August period, at the price paid for manufacturing grade milk by plants in Minnesota and Wisconsin.

On the basis of all facts available to the Department, including written views, data, and arguments submitted by interested parties, it is concluded that suspension of this provision would not be appropriate at this time.

It is hereby found and determined that the proposed suspension should not be effectuated and that the proceeding begun in this matter on March 16, 1972, should be and is hereby terminated.

Signed at Washington, D.C., on March 29, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-5039 Filed 3-31-72;8:48 am]

[9 CFR Part 322]

EXPORT OF MEAT PRODUCTS FOR CONSIGNEE'S OWN USE

Proposed Clearance of Vessels and Exceptions to Prohibition of Transportation Without Certificate

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amending § 322.4 of the Meat Inspection Regulations (9 CFR 322.4) as indicated below, pursuant to the authority contained in section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. 621).

Statement of considerations. It is proposed to set a specific limit on the amount of federally inspected meat and meat food products which may be exported for the personal use of the consignee without requiring an official export certificate. The proposed amendment to § 322.4 of the regulations would provide for stricter enforcement of the Federal Meat Inspection Act by identifying a definite amount which may be exported without such certification. The amendment would also clarify the fact that § 322.4 is not meant to apply to inedible product that is denatured or otherwise identified as required by the regulations to deter its use as human food and that is eligible for exportation under other provisions of the regulations.

Section 322.4 would be amended to read as follows:

§ 322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.

No clearance shall be given to any vessel having on board any product destined to any foreign country, and no person operating any vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to any foreign country, any products, unless and until an official export certificate covering the same has been issued and delivered as provided in this part; except in the case of inspected and passed ship stores and not more than 50 pounds of inspected and passed product for the exclusive personal use of the consignee and not for sale or distribution, and except for exempted product eligible for exportation under the provisions of the Act and the regulations in this subchapter and inedible product that is not capable of use as human food and is eligible for exportation under other provisions of said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on March 28, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5007 Filed 3-31-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 71-53(a)]

CORROSIVE LIQUIDS

Supplemental Notice of Proposed Rule Making

In the Friday, June 11, 1971, issue of the FEDERAL REGISTER (36 F.R. 11302), the Coast Guard published a notice of proposed rule making (CGD 71-53(a)) to amend § 146.23. In the Wednesday, August 18, 1971, issue of the FEDERAL REGISTER (36 F.R. 15762) the Coast Guard issued a supplement to that notice to clarify the packaging requirements for the new article "Corrosive solids, n.o.s.".

This document is an additional supplement to the original notice and is being issued to clarify the stowage and segregation that will be given this new commodity. The Coast Guard feels it is in the public interest to issue this supplement and to permit the public an additional opportunity to participate in the rule making procedure.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identify the notice (CGD 71-53(a)), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on May 24, 1972, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. It is requested that anyone desiring to attend the hearing notify the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590.

The Commandant will evaluate all communications received before May 31, 1972, and take final action of this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing it is proposed that the new article "Corrosive solid n.o.s." be permitted on all vessels except passenger vessels and the stowage be "on deck protected and on deck under cover." It is also proposed that the segregation requirements be the same as for corrosive liquids in general.

(R.S. 4472, as amended, R.S. 4417a, as amended, sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 27, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-5010 Filed 3-31-72;8:46 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 204]

[Reg. D]

RESERVES OF MEMBER BANKS

Computation and Requirements

The Board of Governors proposes to adopt a system of reserve requirements against the demand deposits of all member banks based on the amount of such deposits held by a member bank.

The purpose of the proposal is to adopt a more equitable system of reserve requirements. Under it, reserve percentages would be based on a member bank's deposits without regard to the location of the bank.

The proposal is not intended to signal any change in monetary policy. The net anticipated effect of the proposal, if adopted, would be an overall reduction in reserve requirements. The effect of the resulting increase in funds available for use by member banks would be substantially offset by adoption of the Board's proposed amendment to Regulation J, also announced today. It is intended that Federal Reserve open market operations would be adapted as needed, when the proposals are put into effect, to neutralize the effects on monetary policy.

An integral part of the proposal is a redefinition of the term "reserve city." Such redefinition is essential to eliminate major inequities in the present system of reserve requirements under which several large "country" banks are required to maintain less reserves than competitor reserve city banks with comparable size and characteristics.

Under the proposal, a city would become a reserve city automatically as the net demand deposits of a member bank with its head office located in that city rise above $400 million. Unless a Federal Reserve office is located in that city, it would cease to be a reserve city if no member bank headquartered in the city has average net demand deposits of that amount. The amount of reserves that a bank having deposits of $400 million or less would not be affected by the bank

being located in a city that is classified as a reserve city. Permission to carry reduced reserves would be extended to all banks located in a reserve city having deposits of $400 million or less.

Normally the Board does not offer proposed changes in reserve requirement percentages for public comment (See § 262.2(e) of the Board's rules of procedure.) However, because of the basic structural nature of this proposal, the Board believes that comment by the public can be helpful. Accordingly, to aid in the consideration by the Board of this matter, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

To implement its proposal, the Board proposes to amend Regulation D (12 CFR Part 204) in the following respects:

1. Section 204.2(a) (2) and (3) would be amended to read as follows:

§ 204.2 Computation of reserves.

(a) *Amounts of reserves to be maintained.* * * *

(2) A member bank in a reserve city is deemed to have a character of business similar to banks outside of reserve cities whenever it has average net demand deposit balances of $400 million or less for the second computation period preceding the current reserve maintenance period. The Board grants permission to any such bank or banks to maintain for the current period the reserve balances that are in effect for member banks not located in reserve cities. Such permission and any other permission granted by the Board to maintain reduced reserves is automatically suspended for the current reserve maintenance period with respect to any member bank in a reserve city that has average net demand deposit balances of more than $400 million for the second computation period preceding the current reserve maintenance period. Any such bank shall maintain for the current period the reserve balances in effect for banks located in reserve cities.

(3) For the purposes of this part, each city having a Federal Reserve office is a reserve city. In addition, any city, town, village, or other community, whether or not incorporated, is a reserve city for a reserve computation period if it contains a head office of any member bank that had average daily net demand deposit balances of more than $400 million for the second computation period preceding the current reserve maintenance period.

* * * * *

2. Section 204.5(a) (1)(iii) and (2) (iii) would be amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

* * * * *

(iii) (*a*) Eight percent of its net demand deposits if its aggregate net demand deposits are $2 million or less, (*b*) $160,000 plus 10 percent of its net demand deposits in excess of $2 million if its aggregate net demand deposits are in excess of $2 million but less than $10 million, or (*c*) $960,000 plus 13 percent of its net demand deposits in excess of $10 million.

(2) If a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

* * * * *

(iii) $51,660,000 plus 17½ percent of its net demand deposits in excess of $400 million.

* * * * *

§§ 204.51—204.57 [Revoked]

3. Sections 204.51 through 204.57 would be revoked.

(12 U.S.C. 248(i) and 461)

By order of the Board of Governors, March 20, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4998 Filed 3-31-72;8:46 am]

[12 CFR Part 210]

[Reg. J]

COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Payment of Cash Items Upon Presentment

The Board of Governors proposes to amend its Regulation J to require banks—member and nonmember—to pay cash items presented by a Federal Reserve Bank on the day of presentment in funds available to the Reserve Bank on that day. The Board anticipates that payment will be by debit to an account on the books of a Reserve Bank.

The proposal is designed to provide an arrangement for immediate payment of checks presented by Federal Reserve offices and to promote earlier availability of funds to depositors. At present, commercial banks in zones of immediate payment in and around cities with a Federal Reserve office, a clearing house, or in areas served by Regional Check Processing Centers are paying checks on the day of presentment, while other banks make actual payment on the day following receipt of the checks.

The Reserve Banks follow the practice of presenting checks to paying banks early in the day, often before the opening of business. Until the mid-1960's many banks outside Federal Reserve cities paid for these checks by drawing and dispatching a draft on the day of receipt of the checks. Remittance drafts were usually not received and collected until the following day, resulting in a deferment of payment.

In recent years the use of modern accounting and communications systems has led to payment of checks on the day of presentment. Roughly 80 percent of the total amount of payments by paying banks on checks presented by Reserve Banks is through direct charges to reserve accounts. Now it is feasible to make universal the practice of paying in immediately available funds on the day of presentment.

In addition to being a major transitional step toward a more fully automated payments mechanism, the Board's proposal has three immediate goals:

First, requiring payment on the day of presentment will eliminate the long-standing inequities that operate to the disadvantage of banks located in Federal Reserve office cities or in cities served by clearing houses. Until now, banks located outside of these cities have had an additional day to invest funds owed to the collecting bank.

Second, checks drawn on country banks located in the same Federal Reserve territory as depositing banks will be collected a day earlier. Federal Reserve Banks will amend their operating circulars to provide that such amounts will also be credited to depositing banks a day earlier. The Board expects that, in many cases, the depositing member bank will make the credit received from its Reserve Bank available to its depositor at an earlier time than under present practice.

Finally, for checks drawn on country banks located in other Federal Reserve territories, a major component of Federal Reserve float will be eliminated. Federal Reserve float is the equivalent of an interest free advance. It arises when the collecting bank is given credit on checks for which the Federal Reserve Bank has not received payment. Adoption of the Board's proposal would eliminate approximately 60 percent ($2 billion) of Federal Reserve float.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

To implement its proposal, the Board is considering amending Regulation J as follows:

1. Section 210.9(a) would be amended to read:

§ 210.9 Remittance and payment.

(a) (1) *Cash item.* A paying bank becomes accountable for the amount of each cash item received by it from or through a Federal Reserve Bank at the close of the paying bank's banking day on which the cash item was so received[4] if it retains such item after the close of such banking day, unless, prior to such time, it pays or remits for the item as herein provided. Payment or remittance therefor shall be effected on such day of receipt by:

(i) Debit to an account on the books of a Federal Reserve Bank; or

(ii) Payment in cash; or

(iii) In the discretion of the Federal Reserve Bank, any other form of payment or remittance:

Provided, That the proceeds of any such payment or remittance in any form herein stated shall be available to the Federal Reserve Bank not later than the close of the banking day for such Federal Reserve Bank on the day on which such item was so received by the paying bank. If the banking day on which an item is received by a paying bank is not a banking day for the Federal Reserve Bank from which the item was received, any payment or remittance made hereunder shall be effected on the banking day of both such Federal Reserve Bank and such paying bank next following the day of receipt of such item.

(2) *Noncash item.* A Federal Reserve Bank may require the paying bank or collecting bank to which it has presented, sent, or forwarded any noncash item pursuant to § 210.7 to pay or remit for such item in cash, but is authorized, in its discretion, to permit such paying bank or collecting bank to authorize or cause payment or remittance therefor to be made by a debit to an account on the books of such Federal Reserve Bank or to pay or remit therefor in any of the following which is in a form acceptable to such Federal Reserve Bank: Bank draft, transfer of funds or bank credit, or any other form of payment or remittance authorized by applicable State law.

(3) *Nonbank payor.* A Federal Reserve Bank may require the nonbank payor to which it has presented any cash item or noncash item pursuant to § 210.7 to pay therefor in cash, but is authorized, in its discretion, to permit such nonbank payor to pay therefor in any of the following which is in a form acceptable to such Federal Reserve Bank: Cashier's check, certified check, or other bank draft or obligation.

* * * * *

2. Section 210.12(a) would read:

§ 210.12 Return of cash items.

(a) A paying bank that receives a cash item from or through a Federal Reserve Bank, otherwise than for immediate payment over the counter, and that pays or remits for such item as provided in § 210.9(a) shall have the right to recover any payment or remittance so made if, before it has finally paid the item, it returns the item before midnight of its banking day next following the banking day of receipt or takes such other action to recover such payment or remittance within such time and by such means as may be provided by applicable State law: *Provided,* That the foregoing provisions shall not extend, nor shall the time herein provided for return be extended by, the time for return of unpaid items fixed by the rules and practices of any clearing house through which the item was presented or fixed by the provisions of any special collection agreement pursuant to which it was presented.

* * * * *

(12 U.S.C. 248 (i) and (o) and 342)

By order of the Board of Governors, March 20, 1972.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4999 Filed 3-31-72;8:46 am]

[4]A cash item received by a paying bank shall be deemed to have been received by the bank on its next banking day if the item is received under one of the following circumstances: (1) On a day other than a banking day for it, or (2) on a banking day for it, but (a) after its regular banking hours, or (b) after a "cutoff hour" established by it in accordance with applicable State law, or (c) during afternoon or evening periods when it is open for limited functions only.

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1606, 1608, 1670]

PUBLIC INFORMATION

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.), and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.).

The proposed Part 1608 consists chiefly of the text formerly appearing in the sections of Part 1606 which are being revoked.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1606—GENERAL ADMINISTRATION

§§ 1606.31, 1606.32, 1606.34, 1606.35, 1606.37–1606.42, 1606.55–1606.63 [Revoked]

Section 1606.31 *What records confidential,* is revoked.

Section 1606.32 *Availability and use of confidential records and information,* is revoked.

Section 1606.34 *Waiver of confidential nature of information,* is revoked.

Section 1606.35 *Subpena of records,* is revoked.

Section 1606.37 *Disclosure or furnishing of information relating to physical or mental condition,* is revoked.

Section 1606.38 *"Disclose," "furnish," and "examine" defined,* is revoked.

Section 1606.39 *Searching or handling records,* is revoked.

Section 1606.40 *Furnishing lists of registrants,* is revoked.

Section 1606.41 *Addresses of registrants,* is revoked.

Section 1606.42 *Disclosing information to former employers,* is revoked.

Section 1606.55 *Information to be made available,* is revoked.

Section 1606.56 *General policy,* is revoked.

Section 1606.57 *Service charges for information,* is revoked.

Section 1606.58 *Places where information may be obtained,* is revoked.

Section 1606.59 *Time for obtaining information,* is revoked.

Section 1606.60 *Identification of information requested,* is revoked.

Section 1606.61 *Public information policy,* is revoked.

Section 1606.62 *Requests for names, addresses, and personal data concerning board members, government appeal agents, advisors and other officials,* is revoked.

Section 1606.63 *Demands of courts or other authorities for records or information protected by these regulations,* is revoked.

PART 1608—PUBLIC INFORMATION

Part 1608 (formerly entitled "Payment for Personal Services") is amended to read as follows:

§ 1608.1 Public information policy.

In addition to the policies relative to the disclosure of information when requested by a member of the public, the Selective Service System has a positive public information policy under which information is brought to the attention of the public. Under this policy, the Selective Service System brings to the public, through news releases, pamphlets, educational material for distribution to high schools, and other documents, information concerning important events, the application of the Military Selective Service Act, Selective Service Regulations, and the functions of the Selective Service System.

§ 1608.2 General policy on disclosure of information.

(a) Title 5, United States Code section 552 provides in part that each agency of the Federal Government shall make available for public inspection and copying statements of policy and interpretations which have been adopted by the agency and have not been published in the FEDERAL REGISTER as well as administrative staff manuals and instructions to staff that affect a member of the public. The aforementioned section also provides in part that each agency of the Federal Government, on request for identifiable records make in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedures to be followed, shall make the records available to any person.

(b) It is the general policy of the Selective Service System to make information available to the public even though it has been published in the FEDERAL REGISTER unless the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy or is prohibited under law or Executive order or relates to internal memoranda, letters or other documents the disclosure of which would interfere with the functions of the Selective Service System. The Director of Selective Service reserves the right to make exceptions to the general policy in a particular instance giving due weight to the right of the public to know and the interests of the individual or individuals involved.

(c) The records in a registrant's file and the information contained in such records shall be confidential.

(d) Technical instructions pertaining to automatic data processing, memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal comunication within the Selective Service System or between the Selective Service System and other organizations or persons generally are not information available to the public.

§ 1608.3 Availability and use of information in registrants' files.

(a) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, the following persons, namely:

(1) The registrant, or any person having written authority dated and signed by the registrant: *Provided*, That, whenever the time of the expiration of such authority is not specified therein, no information shall be disclosed, furnished, or examined under that authority after the expiration of a period of 1 year from its date.

(2) The legal representative of a deceased or incompetent registrant.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

(4) Any other agency, official, or employee, or class or group of officials or employees of the United States or any State or subdivision thereof upon written request in individual cases, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director or Selective Service.

(b) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by a U.S. attorney and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the U.S. attorney as a violator for prosecution for violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.

(c) Notwithstanding any other provisions of the regulations in this part, information contained in any record in a registrant's file may be disclosed or furnished to, or examined by, any person having specific written authority from the Director of Selective Service. No person shall use any information so disclosed, furnished, or examined for any purpose other than that designated in such written authority.

(d) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

(e) Where a registrant has been indicted under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, it is the policy of the Selective Service System to furnish, to him or to any person he may designate, one copy of his selective service file free of charge. Any other registrant may secure a copy of his file upon payment of the fees prescribed in § 1608.12(b).

§ 1608.4 Waiver of confidential nature of information on registrants' files.

The making or filing by or on behalf of a registrant of a claim or action for damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall constitute a waiver of the confidential nature of all selective service records of such registrant, and, in addition, all such records shall be produced in response to the subpena or summons of the tribunal in which such claim or action is pending.

§ 1608.5 Subpena of records.

(a) In the prosecution of a registrant or any other person for a violation of the Military Selective Service Act, the Selective Service Regulations, any orders or directions made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpena or summons of the court in which such production or proceeding is pending. Any officer or employee of the Selective Service System who produces the records of a registrant in court shall be considered the custodian of such records for the purpose of this section.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpena or summons of any court without the consent, in writing, of the registrant concerned, or of the Director of Selective Service.

(c) Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

§ 1608.6 Disclosure or furnishing of information relating to physical or mental condition of registrants.

Information relating to the physical or mental condition of a registrant may only be disclosed or furnished to the appropriate civil authorities by a medical advisor to the State Director of Selective Service or a medical advisor to the local board where he is required by law to report diseases or defects.

§ 1608.7 "Disclose," "furnish," and "examine" defined.

When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or appeal board as the case may be.

§ 1608.8 Searching or handling records.

Except as specifically provided in the regulations in this part or by written authority of the Director of Selective Service, no person shall be entitled to search or handle any record.

§ 1608.9 Furnishing lists of registrants.

Lists of registrants may be prepared and posted or furnished only as provided in the regulations in this part or in accordance with written instructions from the Director of Selective Service.

§ 1608.10 Addresses of registrants.

The addresses of registrants are confidential information.

§ 1608.11 Disclosing information to former employers of registrants.

A State Director of Selective Service may disclose to the former employer of a registrant who is serving in or who

has been discharged from the armed forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the armed forces.

§ 1608.12 Available information.

(a) Upon request current documents specifically identified as being printed for free distribution to the general public will be furnished without charge. Each individual requesting such documents shall be entitled to only one copy of each document.

(b)(1) For processed copies of File Folder (SSS Form 101) or other identifiable records or documents prepared on Selective Service System equipment, the requester will pay 25 cents per page.

(2) For copies of File Folder (SSS Form 101) or other identifiable records or documents reproduced by a private concern the requester will assume the expense of copying. The Selective Service System employee's time to monitor the reproduction, computed from the time of his departure until his return to his post, will be charged by the Selective Service System to the requester at the rate of $1 per quarter-hour after the first quarter-hour. (See § 1608.3(e) for circumstances when file folder will be furnished registrants without charge.)

(3) Copies will not be released to any requester until these fees are paid in full by money order payable to the Selective Service System.

(4) Copying of records as prescribed by this section is a service provided to registrants and members of the public. Except as provided in § 1608.3(e), the Director may without notice suspend this service at any Selective Service site if its continuation would impede the effective operation of the office located at the site.

(c) Copies of Selective Service Regulations (this Chapter XVI) and the Registrants Processing Manual are offered for sale and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(d) The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any State, or at the Office of Public Information, National Headquarters, Selective Service System.

(e) Each local board maintains a Classification Record (SSS Form 102), which contains the name, selective service number, and the current and past classifications for each person registered with that board. This record is open to inspection by the public.

(f)(1) In accordance with Federal Personnel Manual Letter 294–1, March 17, 1966, issued by the Civil Service Commission, the names, position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information.

(2) The names of board members and advisors to registrants will be posted in an area available to the public at each board office to which such personnel are assigned.

(3) In accordance with the reasoning of Federal Personnel Manual Letter 711–8, August 2, 1967, issued by the Civil Service Commission, the home addresses and other personal data concerning the officials designated in subparagraph (2) of this paragraph will not be released unless the person to whom the data relates consents to such release or the board chairman determines in writing, after consultation with the person to whom the data relates, that disclosure would not harm such person, and would not constitute a clearly unwarranted invasion of his personal privacy.

§ 1608.13 Places where information may be obtained.

(a) The information contained in a registrant's selective service file is confidential, and may be revealed only upon strict compliance with the provisions of § 1608.3. Requests for information concerning a registrant shall be addressed to the local board where he is registered.

(b) Requests for information concerning the national administration of the Military Selective Service Act shall be addressed to the Office of Public Information, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435.

(c) Requests for information concerning the administration of the Military Selective Service Act within a particular State shall be addressed to the State Director of Selective Service involved. Addresses of the offices of the State Directors of Selective Service are as follows:

State	*Address*
Alabama	Room 818, Aronov Building, 474 South Court Street, Montgomery, AL 36104.
Alaska	Room 248, Federal Building, 619 Fourth Avenue, Anchorage, AK 99501.
Arizona	Room 202, Post Office Building, 522 North Central Avenue, Phoenix, AZ 85004.
Arkansas	Federal Office Building, 700 West Capitol, Little Rock, AR 72201.
California	Federal Building, 801 I Street, Sacramento, CA 95814.
Canal Zone	Post Office Box 2014, Balboa Heights, CZ (200–A Administration Building).
Colorado	Building 53, Room B 2906, Denver Federal Center, Post Office Box 25206, Denver, CO 80225.
Connecticut	Post Office Box 1558, Hartford, CT 06101.
Delaware	Prices Corner, 3202 Kirkwood Highway, Wilmington, DE 19808.
District of Columbia.	441 G Street NW., Washington, DC 20001.
Florida	19 McMillan Street, Post Office Box 1988, St. Augustine, FL 32084.
Georgia	901 West Peachtree Street NE., Atlanta, GA 30309.
Guam	Post Office Box 3036, Agana, GU 96910. (RiCalvo Building, Second Floor, Hernan Cortes Avenue and Soledad Drive.)
Hawaii	Post Office Box 4006, Honolulu, HI 96813. (Hawaiian Life Building, Fifth Floor, 1311 Kapiolani Boulevard, Honolulu, HI 96813.)
Idaho	550 West Fort Street, Room 480, Federal Building, Boise, ID 83702.
Illinois	405 East Washington Street, Springfield, IL 62701.
Indiana	Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.
Iowa	Building 68, Fort Des Moines, Des Moines, IA 50315.
Kansas	New England Building, Suite 320, 503 Kansas Avenue, Topeka, KS 66603.
Kentucky	220 Steele Street, Frankfort, KY 40601.
Louisiana	Building 601–5–A, 4400 Dauphine Street, New Orleans, LA 70140.
Maine	Federal Building, 40 Western Avenue, Augusta, ME 04330.
Maryland	31 Hopkins Plaza, Room 1119, Baltimore, MD 21201.
Massachusetts	John Fitzgerald Kennedy Federal Building, Room 2312, Government Center, Boston, Mass. 02203.
Michigan	Post Office Box 626, Lansing, MI 48903. (Arnold Building, 1120 East May Street, Lansing, MI.)
Minnesota	Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, MN 55101.
Mississippi	Cameron-Walker Building, 4785 Interstate 55 North, Jackson, MS 39206.
Missouri	411 Madison Street, Jefferson City, MO 65101.
Montana	Post Office Box 1183, Helena, MT 59601. (616 Helena Avenue, Helena, MT.)
Nebraska	941 O Street, Lincoln, NE 68508.
Nevada	1511 North Carson Street, Carson City, NV 89701.
New Hampshire.	55 Pleasant Street, Room 337, Post Office Box 427, Concord, NH 03301.
New Jersey	402 East State Street, Trenton, NJ 08608.
New Mexico	Post Office Box 5175, Santa Fe NM 87501. (The New Mexico National Guard Complex, 2600 Cerillos Road.)
New York State	Federal Building, 441 Broadway, Albany, NY 12207.
New York City	Federal Building, Room 2337, 26 Federal Plaza, New York, NY 10007.
North Carolina	310 New Bern Avenue, Post Office Box 26008, Room 448, Raleigh, NC 27611.

State	Address
North Dakota	Federal Building, Post Office Box 1417, Bismarck, ND 58501.
Ohio	85 Marconi Boulevard, Columbus, OH 43215.
Oklahoma	417 Post Office Courthouse Building, Oklahoma City, Okla. 73102.
Oregon	355 Belmont Street NE., Salem, OR 97301.
Pennsylvania	Post Office Box 1266, 228 Walnut Street, Harrisburg, PA 17108.
Puerto Rico	398 Fernandez Juncos Avenue, San Juan, PR 00906.
Rhode Island	1 Washington Avenue, Providence, RI 02905.
South Carolina	1801 Assembly Street, Columbia, SC 29201.
South Dakota	Annex Box 3105, Rapid City, SD 57701.
Tennessee	Room 500, 1717 West End Building, Nashville, TN 37203.
Texas	Room G161 Federal Building, 300 East Eighth Street, Austin, TX 78701.
Utah	333 South Second East, Salt Lake City, UT 84111.
Vermont	Federal Building, Post Office Box 308, Montpelier, VT 05602.
Virginia	400 North Eighth Street, Richmond, VA 23240.
Virgin Islands	Post Office Box 360, Charlotte Amalie, St. Thomas, VI 00801.
Washington	Post Office Box 5247, Tacoma, WA 98405. (Washington National Guard Armory, South 10th and Yakima.)
West Virginia	Federal Office Building, Charleston, W. Va. 25301.
Wisconsin	Post Office Box 2157, 1220 Capitol Court, Madison, WI 53701.
Wyoming	308 West 21st Street, Cheyenne, WY 82001.

§ 1608.14 Rules governing the obtaining of information.

(a) A request for information under this part must be made orally or in writing during business hours at the appropriate selective service office. When information to be furnished is not readily available, the employee responsible for obtaining the information shall advise the requester how and where it may be obtained.

(b) Although the time period allowed for inspection of identifiable documents and registrants' files must be sufficient to allow hand copying, the activity should not interfere with the daily business activities of the selective service office. Accordingly, the selective service employee handling the request for information or inspection should arrange for inspection of selective service files and documents during specified hours of the business week.

(c) Any person entitled under the provisions of this part to examine any record or information shall be permitted to copy it by hand, to photograph it or to copy it by using portable copying equipment so long as the use of such equipment does not disrupt the normal operations of the office.

§ 1608.15 Identification of information requested.

(a) Any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information may be declined.

(b) If the description is insufficient, the employee processing the request will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

(c) When a request is received at an office not having charge of the records, it shall promptly forward the request to the proper office and notify the requester of the action taken.

§ 1608.16 Review of denials of requests for information.

(a) Complaints concerning possible abuse of discretion granted selective service employees under this section or failure to respond to inquiries or denial of information shall be directed to the State director in the case of State headquarters or local board employees and to the Director in the case of National Headquarters employees.

(b) A requester whose request for information or documents has not been satisfied pursuant to paragraph (a) of this section may petition the General Counsel, Selective Service System, National Headquarters, 1724 F Street NW., Washington, DC 20435, for appropriate action on the request. The General Counsel's decision shall be the final action of the Selective Service System.

§ 1608.17 Demands of courts or other authorities for records or information protected by these regulations.

(a) Authority to release records or information the disclosure of which is prohibited or restricted by the regulations in this part, including personal information bearing on the qualifications of an official to serve in the position he occupies, is reserved to the Director of Selective Service. A request, demand or order to produce such information (hereafter "demand") will not be honored by an employee of the System without prior approval of the Director.

(1) Whenever such demand is made upon an employee of the System by or through a court or other authority, he will immediately notify the Regional Counsel responsible for the U.S. District in which the issuing court or other authority is located.

(2) The Regional Counsel shall without delay notify the appropriate U.S. attorney and immediately request instructions from the Director of Selective Service through the Office of the General Counsel, National Headquarters, Selective Service System.

(3) If response to the demand is required before instructions from the Director of Selective Service are received, the Regional Counsel responsible for responding shall request the appropriate U.S. attorney to represent the selective service employee before the court or other authority, shall cause the court or other authority to be furnished a copy of this section and § 1608.12(f), and shall cause it to be informed that the demand has been or is being, as the case may be, referred for the prompt consideration of the Director of Selective Service. The Regional Counsel should respectfully request the court or other authority to stay the demand pending receipt of instructions from the Director of Selective Service.

(b) If the court or other authority declines to stay the effect of the demand, or rules that the demand must be complied with regardless of the instructions from the Director of Selective Service, the Regional Counsel will advise the employee to respectfully decline to comply with the demand citing United States ex rel. Touhy v. Ragan, 340 U.S.C. 462 (1951).

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

Part 1670 is revoked.

CURTIS W. TARR,
Director.

MARCH 29, 1972.

[FR Doc.72-5023 Filed 3-31-72;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[DES 72-47]

PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALE OFFSHORE EASTERN LOUISIANA

Environmental Impact Statement

MARCH 31, 1972.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf general oil and gas lease sale. The environmental statement considers 78 tracts of Outer Continental Shelf lands which have been identified for oil and gas leasing potential. All 78 tracts are located in the Gulf of Mexico offshore eastern Louisiana.

Reading copies of the draft environmental impact statement are available in Room 5643 of the Interior Building in Washington, and in BLM's New Orleans office. Copies may be obtained for $2 by writing the Director, Bureau of Land Management (130), U.S. Department of the Interior, Washington, D.C. 20240, or the Manager, BLM Outer Continental Shelf Office, Post Office Box 53226, New Orleans, LA 70153.

Anyone wishing to comment on the draft environmental statement should submit his comments in writing within 45 days to:

Director, Bureau of Land Management (310), U.S. Department of Interior, Washington, D.C. 20240.

After all comments have been received and analyzed, a final environmental statement will be prepared.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

[FR Doc.72-5108 Filed 3-31-72;8:50 am]

Office of the Secretary

[DES 72-46]

MASTER PLAN FOR WHITE SANDS NATIONAL MONUMENT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the draft master plan for White Sands National Monument located within Dona Ana and Otero Counties, N. Mex. Written comments on the statement are invited and will be accepted for 30 days from the date of this notice except where time extensions are granted upon request in accordance with Council on Environmental Quality Guidelines of April 23, 1971. Comments should be addressed Superintendent, White Sands National Monument, shown below.

The master plan provides in a conceptual manner for the overall management and development of the monument and related to considerations given to the study of potential wilderness land designation within the monument. A public hearing on the wilderness study was announced in the FEDERAL REGISTER of February 1, 1972, and information packets were made available at that time. This environmental statement should be considered in light of those information packets.

Copies of this environmental statement are available from or for inspection at the following locations: Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501; and from White Sands National Monument, Post Office Box 458, Alamogordo, NM 88310.

Dated: March 29, 1972.

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

[FR Doc.72-5078 Filed 3-31-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MESQUITE CONTROL PROGRAM

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 Mesquite Control Program on the Coronado National Forest in Tucson, Ariz., USDA-FS-DES(Adm) 72-28.

The environmental statement concerns a proposed spray program on 2,175 acres of mesquite located all on the Nogales Ranger District in six separate locations in Pima and Santa Cruz Counties, State of Arizona.

This draft environmental statement was filed with CEQ on March 27, 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, Southwestern Region, Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

Coronado National Forest, 130 South Scott, Tucson, AZ 85702.

A limited number of single copies are available upon request to Clyde Doran, Forest Supervisor, U.S. Forest Service, Box 551, Tucson, Ariz. 85702.

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. Clyde Doran, U.S. Forest Service, Coronado National Forest, Box 551, Tucson, Ariz. 85702. 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.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

MARCH 27, 1972.

[FR Doc.72-5008 Filed 3-31-72;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[Docket No. R-72-108]

ADVERTISING GUIDELINES FOR FAIR HOUSING

Notice of Statement of Policy

In order to facilitate and promote compliance with the requirements of Title VIII of the Civil Rights Act of 1968, and particularly section 804(c) thereof (42 U.S.C. 3601, 3604(c)) regarding notices, statements or advertisements, the Department of Housing and Urban Development has prepared guidelines to indicate graphic and written references that are appropriate for the preparation, publication, and general use of advertising matter with respect to the sale or rental of a dwelling as defined by the Act.

Notice of a proposed statement of policy was published in the FEDERAL REGISTER on May 21, 1971 (36 F.R. 9266). Comments were received from 26 interested

persons and organizations and consideration has been given to each comment.

Several comments observed that the proposed policy statement was at times unnecessarily limited to the field of newspaper advertising. In response to the comments, the policy statement has been revised in several places to clarify that the guidelines apply to advertisements in all media, including, e.g., television and radio, as well as to advertising agencies and other persons who use advertising.

Several organizations suggested additional catchwords connoting a discriminatory effect for inclusion in section A–3. That section has been expanded to include several additional terms which may have a discriminatory effect when used in a discriminatory context.

In response to other comments, section A–6 has been revised to clarify how directional references could be employed in a discriminatory context with an ethnically, as well as a racially, discriminatory effect. Also, section A–7 has been added relating specifically to designation of religious, ethnic or racial facilities to identify an area or neighborhood.

A number of comments indicated that human models or Equal Opportunity advertisements can and have been used selectively to promote the development of racially exclusive communities. A new section C–4 has been added in order to meet this specific problem. The previous human models section has been clarified by revision and reorganization in the new section C, in light of comments which indicated confusion or uncertainty surrounding the use of human models.

In response to publishers' comments, Table I has been simplified and references to minimum type sizes limited to a recommendation that the type should be bold display face and no smaller than eight points.

A number of organizations suggested the inclusion of a publisher's notice to appear with real estate advertising. A suggested notice has been included as Table III, in lieu of the provision in the proposed guidelines for direct notification to all firms or persons using the advertising services of a publisher. This provision was removed in light of objections that such notification would be unworkable or would impose great hardship since a large volume of real estate advertising is placed by a great number of persons on a nonrecurring basis.

Finally, a number of minor editorial or organizational changes have been made in order to clarify or simplify the advertising guidelines.

Several organizations suggested that the guidelines make specific reference to the roles of other enforcement agencies, including the Department of Justice and local agencies. These comments suggested that the guidelines specify that they do not alter or affect conciliation agreements or court orders obtained by these agencies, as well as by the Department. Such a disclaimer appears to be unnecessary, since there is nothing in the guidelines to indicate an intent to alter or affect agreements or orders obtained by the Department and other agencies.

This document is issued pursuant to section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

The statement of Policy reads as follows:

PUBLICATION GUIDELINES FOR COMPLIANCE WITH TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968

POLICY STATEMENT

Section 804(c) of title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3604(c), makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling (any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure, or portion thereof) that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation or discrimination.

These advertising guidelines are being issued for the purpose of assisting all advertising media, advertising agencies, and all other persons who use advertising to make, print, or publish or cause to be made, printed, or published any classified or display advertisement with respect to the sale or rental of a dwelling by the owner or his agent, in compliance with the requirements of title VIII.

Conformance with these guidelines will be considered in evaluating compliance with title VIII in connection with investigations by the Assistant Secretary of advertising practices and policies under the title.

A. *The use of words, phrases, sentences and visual aids which have a discriminatory effect.* The following words, phrases, symbols, and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory intent. Their use should therefore be avoided in order to eliminate their discriminatory effect. In considering a complaint under title VIII, the Assistant Secretary will normally consider the use of these and comparable words, phrases, symbols, and forms to indicate possible violation of the title and to establish a need for seeking resolution of the complaint, if it is apparent from the context of the usage that discrimination within the meaning of the Title is likely to result.

1. *Words descriptive of dwelling, landlord, and tenant.* White private home, Colored home, Jewish home.

2. *Words indicative of race, color, religion, or national origin.* Negro, Hispano, Mexican, Indian, Oriental, Black, White, WASP, Hebrew, Irish, Italian, European, etc.

3. *Catch words.* Restricted, ghetto, disadvantaged. Also, words such as private, integrated, traditional, "board approval" or "membership approved" if used in a discriminatory context.

4. *Symbols or logotypes.* Symbols or logotypes which imply or suggest race, color, religion, or national origin.

5. *Colloquialisms.* Locally accepted words or phrases which imply or suggest race, color, religion, or national origin.

6. *Directions to the real estate for sale or rent (use of maps or written instructions).* References to real estate location made in terms of racially or ethnically significant landmarks such as an existing Black development (signal to Blacks) or an existing development known for its exclusion of minorities (signal to Whites). Specific directions given from a racially or ethnically significant area.

7. *Area (location) description.* Use of religious, ethnic, or racial facilities to describe an area, neighborhood, or location.

B. *Selective use of advertising media or content with discriminatory effect.* The selective use of advertising in various media and with respect to various housing developments or sites can lead to discriminatory results and may indicate a violation of title VIII.

1. *Selective geographic impact.* Such selective use may involve the strategic placement of billboards, brochure advertisements distributed within a limited geographic area by hand or in the mail, or advertising in particular geographic coverage editions of major metropolitan newspapers, or in local newspapers which are mainly advertising vehicles for reaching a particular segment of the community, or in displays or announcements only in selected sales offices.

2. *Selective use of equal opportunity slogan or logo.* Such selective use may involve using the equal opportunity slogan or logo in advertising reaching some geographic areas, but not others, or with respect to some properties but not others.

3. *Selective use of human models.* Such selective advertising may also involve the use of human models primarily in media that cater to one racial or ethnic segment of the population that is not balanced by a complementary advertising campaign that is directed at other groups, or the use by a developer of racially mixed models to advertise one of the developments and not others.

C. *Policy and practices guidelines.* The following guidelines are offered as suggested methods of assuring equal opportunity in real estate advertising:

1. *Guidelines for use of logotype, statement, or slogan.* All advertising of residential real estate for sale or rent can contain an Equal Housing Opportunity logotype, statement or slogan as a means of educating the homeseeking public that the property is available to all persons regardless of race, color, religion, or national origin. Table 1 (see appendix) indicates suggested sizes for the use of the logotype. In all space advertising which is less than 4 column inches of a page in size, the Equal Housing Opportunity slogan should be used. The advertisement may be grouped with other advertisements under a caption which states that the housing is available to all without regard to race, color, religion, or national origin. Alternatively, 3–5 percent of the advertisement copy may be devoted to a statement of the equal housing opportunity policy of the owner or agent. Table 2 (see appendix) contains copies of the suggested Equal Housing Opportunity logotype, statement and slogan.

2. *Guidelines for use of human models.* Human models in photographs, drawings, or other graphic techniques may be used to indicate racial inclusiveness. If models are used in display advertising campaigns, the models should be clearly definable as reasonably representing both majority and minority groups in the metropolitan area. Models, if used, should indicate to the general public that the housing is open to all without regard to race, color, religion, or national origin, and is not for the exclusive use of one such group.

3. *Guidelines for notification of Fair Housing Policy.* (a) *Employees.* All publishers of advertisements, advertising agencies, and firms engaged in the sale or rental of real estate should provide a printed copy of their nondiscriminatory policy to each employee and officer.

(b) *Clients.* All publishers of advertisements and advertising agencies should post a copy of their nondiscrimination policy in a conspicuous place wherever persons come to place advertising and should have copies available for all firms and persons using their advertising services.

(c) *Publisher's notice.* All publishers are encouraged to publish at the beginning of the real estate advertising section a notice such as that appearing in Table 3 (see appendix).

Effective date. This statement of policy shall be effective May 1, 1972.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

APPENDIX

The following three tables may serve as a guide for the use of the Equal Housing Opportunity logotype, statement, slogan, and publisher's notice for display advertising:

TABLE I

A simple formula can guide the real estate advertiser in using the Equal Housing Opportunity logotype, statement, or slogan. If other logotypes are used in the advertisement, then the Equal Housing Opportunity logotype should be of a size equal to the largest of the other logotypes; if no other logotypes are used, then the following guidelines can be used. In all instances, the type should be bold display face and no smaller than 8 points.

Approximate size of advertisement	*Size of Logotype in inches*
½ page or larger	2 x 2.
⅛ page up to ½ page	1 x 1.
4 column inches to ⅛ page	½ x ½.
Less than 4 column inches	(1).

[1] Do not use.

TABLE II.—ILLUSTRATIONS OF LOGOTYPE, STATEMENT, AND SLOGAN

Equal Housing Opportunity logotype.

EQUAL HOUSING OPPORTUNITY

Equal Housing Opportunity statement:
We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion or national origin.

Equal Housing Opportunity slogan:
"Equal Housing Opportunity."

TABLE III—ILLUSTRATION OF PUBLISHER'S NOTICE

Publisher's notice:
All real estate advertised in this newspaper is subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination."

This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis.

[FR Doc.72-4983 Filed 3-31-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-269]

DUKE POWER CO.

Notice of Availability of Final Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission ("the Commission") in 10 CFR Part 50, Appendix D, notice is hereby given that a Final Detailed Statement (entitled "Final Environmental Statement Related to Operation of Oconee Nuclear Station Units 1, 2, and 3 Duke Power Company") on the environmental considerations related to the proposed inssuance of an operating license for the Oconee Nuclear Station, Unit No. 1 located on the Company's site located in eastern Oconee County, approximately 8 miles northeast of Seneca, S.C., has been prepared and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and at the Oconee County Library, 201 South Spring Street, Walhalla, S.C. The Final Detailed Statement is also being made available to the public at the Office of the Governor, State Planning and Grants Division, Wade Hampton Office Building, Columbia, S.C. 29201, and at the South Carolina Appalachian Regional Planning and Development Commission, Post Office Box 4184, 11 Regency Hills Drive, Greenville, SC 29608.

Although the applicant's report and the Commission's Final Detailed Statement on environmental considerations deal with Units 1, 2, and 3 of the Oconee Nuclear Station, the subject statement is only final with respect to Unit 1. A further opportunity will be afforded to interested persons to submit comments with respect to environmental matters concerning Units 2 and 3.

A notice was published in the FEDERAL REGISTER on December 21, 1971 (36 F.R. 24126), concerning the availability of the Duke Power Co's. Environmental Report dated July 1970, and Supplement and Revision 1 thereto dated October 1971, and November 2, 1971, respectively (collectively called "the report"). The report was analyzed by the Commission's Division of Radiological and Environmental Protection and a Notice of Availability of the Commission's Draft Detailed Statement dated December 14, 1971, was published in the FEDERAL REGISTER on December 21, 1971 (36 F.R. 24126). Copies of comments received on the Draft Detailed Statement were placed in the above designated document rooms for public inspection.

Single copies of the Commission's Final 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.

Dated at Bethesda, Md., this 29th day of March 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-5093 Filed 3-31-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23941]

AIR HAITI, S.A.

Notice of Postponement of Hearing

Application for amendment of foreign air carrier permit to authorize New York service.

Notice is hereby given that the hearing in the above-entitled matter is postponed from April 4, 1972 (37 F.R. 5971, March 23, 1972), to April 7, 1972, at 10 a.m., local time, in Room 502, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., March 28, 1972.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.72-5026 Filed 3-31-72;8:48 am]

[Docket No. 23450]

CROSS CANADA FLIGHTS, LTD., AND OTTAWA AERO SERVICES, LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Transfer

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 21, 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 14, 1972.

Dated at Washington, D.C., March 29, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-5025 Filed 3-31-72;8:48 am]

[Docket No. 23333; Order 72-3-85]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Agents

Issued under delegated authority March 27, 1972.

Agreement adopted by the traffic conferences of the International Air Transport Association relating to reduced fares for cargo agents, Docket 23333, Agreement CAB 22968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between air carriers, foreign air carriers, and other air carriers embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would have the effect of continuing through August 31, 1972, the past basis upon which the number of reduced-fare tickets are allocated to cargo agents, i.e. two tickets at a 75-percent discount per agency location per year. This basis was to have expired February 29, 1972, and been replaced with new provisions on which the Board deferred action in Order 72-1-52 of January 17, 1972.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 22968, are adverse to the public interest or in violation of the Act:

IATA RESOLUTIONS

100(Mail 894)203a and 203d.
200(Mail 131)203a and 203d.
300(Mail 373)203a and 203d.
JT12(Mail 785)203a and 203d.
JT23(Mail 295)203a and 203d.
JT31(Mail 212)203a and 203d.
JT123(Mail 684)203a and 203d.

Accordingly, it is ordered, That:

Action on Agreement CAB 22968 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5028 Filed 3-31-72;8:48 am]

[Docket No. 23333; Order 72-3-86]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1972.

Agreements adopted by the traffic conferences of the International Air Transport Association relating to cargo rate matters, Docket 23333, Agreement CAB 22429, R-7 and R-8; Agreement CAB 22460, R-69 and R-70.

By Order 71-12-33, dated December 8, 1971, and issued under delegated authority, action was deferred on agreements adopted by the carrier members of the International Air Transport Association (IATA). The agreements propose to revalidate and make certain amendments to resolutions governing the procedures and standard IATA formats of air waybills/consignment notes. A period of 10 days was initially granted in which interested persons and parties might submit petitions in support of or in opposition to actions proposed by that order; however, such period was extended through January 31, 1972,[1] at the request of IATA, which filed on behalf of Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA).

In a joint petition filed, January 31, 1972, Pan American and TWA object to the proposed disapproval, in air transportation as defined by the Federal Aviation Act of 1958, of provisions relating to the documentation of international route charges on air waybills/consignment notes, including the addition of a space or "box" on the formats in which to enter such charges. Board review is, therefore, requested by the petitioners who claim that since the Board previously disapproved application of international route charges in air transportation,[2] the "box" would be completed only in the case of shipments not moving in air transportation. On this basis, the petitioners suggest that the Board might appropriately disclaim jurisdiction, or approve the agreement. It is contended that approval of the agreement will not result in any adverse public interest consequences, since the carriers consider such agreement will have a "miniscule effect" in connection with shipments moving to and from the United States.

In any event, the petitioning carriers argue against the contemplated disapproval of a form they desire for worldwide use. They assert that Board disapproval would result in unreasonable expense to carriers by requiring the maintenance of two sets of forms—one for use in air transportation and another for shipments not involving air transportation. Moreover, it is argued that disapproval by the Board could result in "an inadvertent error or honest misrepresentation of what 'is in air transportation' " being construed as a carrier violation of Board rulings, IATA resolutions, or possibly antitrust laws by the use of the incorrect form.

Lastly, it is urged that if the Board still requires disapproval, that the Board do so only with respect to air waybills/consignment notes issued in the United States, its territories, and possessions; or to provide air carriers the option of indicating on any worldwide shipping document that includes a "box" for international route charges that such charges do not apply to or from the United States, its territories and possessions.

Upon consideration of the matter raised by Pan American and TWA, the Board is unable to conclude that the public interest warrants unqualified approval of the agreements or that it is in a position to disclaim jurisdiction. The air waybill/consignment note formats, as revised, are intended for worldwide application, which includes international cargo shipments moving in air transportation. In the light of the earlier Board disapproval in air transportation of international route charges, our interest at this juncture centers around the possible confusion which might be occasioned by the added element of a "box," designated specifically for the entry of such charges. We recognize the advantages which will stem from worldwide use of the form and find that the public interest considerations will be met if the carriers indicate on their shipping documents that international route charges do not apply to or from the United States, its territories and possessions. Therefore, our approval herein is conditioned accordingly.

No petitions have been received in regard to other matters falling within the terms of Order 71-12-33, supra: Namely, the proposed limited approval through August 12, 1972, and subject to condition, of the revalidation (as further amended) of the resolutions governing air waybills/consignment notes. We will therefore finalize herein these tentative conclusions contained in that order.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act, provided that approval thereof is subject to the conditions hereinafter ordered:

Agreement CAB	*IATA resolutions*
22429:	
R-7	103(CTPC)600j
	203(CTPC)600j
	303(CTPC)600j
R-8	103(CTPC)600k
	203(CTPC)600k
	303(CTPC)600k

[1] Order 71-12-144, dated Dec. 30, 1971.
[2] Board Order 71-9-43, dated Sept. 9, 1971.

Agreement CAB 22460	IATA No.	Title	Application
R-69	600j	Manual Air Waybill/Consignment Note (AWB) (Revalidating and Amending).	1; 2; 3.
R-70	600k	Transmittable Air Waybill/Consignment Note (Revalidating and Amending).	1; 2; 3.

Accordingly, it is ordered, That:

1. The petition of Pan American World Airways, Inc., and Trans World Airlines, Inc., is granted to the extent ordered below; and

2. Agreements CAB 22429, R–7 and R–8, and CAB 22460, R–69 and R–70, be and hereby are approved: *Provided,* That:

(a) In the event that air waybill/consignment note formats provide a designed space in which international route charges are to be noted, appropriate and adequate reference shall be made, on each copy or page containing such a space, to the effect that international route charges do not apply to or from the United States, its territories and possessions;

(b) Provisions for the inclusion of industrial diamonds and cultured pearls as valuable cargo shall not become effective in air transportation to/from the United States/the District of Columbia/the Commonwealth of Puerto Rico unless and until the Board approves similar provisions incorporated in the basic resolution (Resolution 595) governing the rating of such valuable cargo in said area of air transportation; and

(d) Approval in air transportation, as defined by the Act, shall be limited through August 12, 1972.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5029 Filed 3–31–72;8:48 am]

[Docket No. 23846; Order 72–3–90]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority, March 28, 1972.

Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to passenger fares, Docket 23486, Agreement CAB 22982.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would amend an existing resolution governing economy-class excursion fares within the Western Hemisphere by the inclusion of a specified fare reflecting new direct service between Mazatlan and Denver. The fare, established at $155 round-trip, would be available for 5/14-day excursion travel between April 6 and November 30, 1972, on flights departing Monday through Friday, only.

Pursuant to authority duly delegated by the Board, it is not found, on a tentative basis, that Resolution 100(Mail 892) 070, which is incorporated in Agreement CAB 22982, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22982 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days from the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc. 72–5030 Filed 3–31–72;8:48 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MAURITIUS

Entry or Withdrawal From Warehouse for Consumption

MARCH 29, 1972.

On November 2, 1971, there was published in the FEDERAL REGISTER (36 F.R. 21008), a letter dated October 23, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs establishing a level of restraint for cotton textile products in Category 39, produced or manufactured in Mauritius, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 25, 1971.

Recently, discussions were held between the Governments of the United States and Mauritius whereby the U.S. Government agreed to increase the aforesaid level of restraint from 21,680 dozen pairs to 30,000 dozen pairs for the current 12-month period. The U.S. Government further agreed that, should the Government of Mauritius request, the aforesaid level would be further increased up to an amount equivalent to the level of restraint which would be applicable for the second 12-month period.

In such an event, it was mutually agreed that cotton textile products so entered during the current 12-month period will be charged against the level of restaint which would be applicable for the second 12-month period, and that the level for that period will be correspondingly reduced. The Government of Mauritius has made such a request.

There is published below a letter of March 29, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, amending the earlier letter dated October 23, 1971, thereby implementing the request of the Government of Mauritius.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MARCH 29, 1972.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on October 23, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee, regarding imports into the United States of cotton textile products in Category 39, produced or manufactured in Mauritius.

The first paragraph of the directive of October 23, 1971, is amended to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning August 25, 1971, and extending through August 24, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 39, produced or manufactured in Mauritius, in excess of a level of restraint for the period of 61,500 dozen pairs.[1]"

The actions taken with respect to the Government of Mauritius and with respect to imports of cotton textiles and cotton textile products from Mauritius have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72–5021 Filed 3–31–72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST STATIONS OF UNITED MEXICAN STATES

Official List of Notified Assignments

Official list of notified assignments of standard broadcast stations of the United Mexican States, December 31, 1971, listed by frequency. Recapitulative list based on the recommendations of the North American Regional Broadcasting Agreement Engineering meeting, January 30, 1941, as modified in accordance with the agreements between the United Mexican States and the United States of America of January 29, 1957, and December 11, 1968, concerning broadcasting in the standard broadcast band, and notifications made up to and including Notification List Number 265 dated June 16, 1971.

ABBREVIATIONS

Hz---------. Hertz.
kHz--------. Kilohertz.
w----------. Watt.
kw---------. Kilowatt.
mV/m-------. Milivolts/meter.
U----------. Unlimited time (day and night).
D----------. Daytime operation only.
N----------. Nighttime operation.
ND---------. Omnidirectional antenna.
DA---------. Directional antenna.
DA-1-------. Directional antenna: Digit indicates the same pattern but not necessarily the same power day and night.
DA-2-------. Directional antenna: Digit indicates different patterns day and night with either the same or different power day and night.
DA-N-------. Directional antenna: "N" indicates directional antenna for nighttime only; omnidirectional day.
DA-D-------. Directional antenna: "D" indicates directional antenna for day operation.
PO---------. Present operation.
Vide--------. See assignment on.

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		540 kHz						
XEWA-----	San Luis Potosi, S.L.P., N. 22°08'10", W. 100°55'10".	150----------	ND-229	U	I-A	857	180	
		550 kHz						
XEACD----	Acapulco, Gro. (under construction).	0.5D/0.25N	ND	U				
XEKL-----	Jalapa, Ver., N. 19°31'37", W. 96°56'05".	1D/0.25N	ND-186	U	III	394	120	446
XEPL-----	Cd. Cuauhtemoc, Chih., N. 28°24'25", W. 106°51'13".	0.5D/0.15N	ND-175	U	III	367	120	367
XEQW-----	Merida, Yuc., N. 20°59'00", W. 89°38'44".	2D/0.2N	ND-180	U	III	323	120	443
XEUC-----	Tehuantepec, Oax., N. 16°19'16", W. 95°15'07".	1D/0.25N	ND-175	U	III	336	90	446
		560 kHz						
XEOC-----	Mexico, D.F., N. 19°25'30", W. 99°11'00" (PO: 0.75 kw., ND, U).	1----------	ND-175	U	III	335	90	440
XEHA-----	Tecate, B.C. (under construction).	0.25---------	ND	U	III			
XEYO-----	Huatabampo, Son. (under construction).	1D/0.5N	ND	U	III			
		570 kHz						
XEBJB----	Monterrey, N.L., N. 25°41'52", W. 100°15'04" (PO: 5D/0.1N).	5D/0.25N	ND-179	U	III	430	120	295
XELQ-----	Morelia, Mich., N. 19°42'16", W. 101°11'30".	1----------	ND-175	U	III	361	120	361
XENZ-----	Culiacan, Sin., N. 24°53'33", W. 107°24'50".	1D/0.25N-----	ND-176.5	U	III	328	120	394
XEOA-----	Oaxaca, Oax., N. 17°02'46", W. 96°43'21".	5D/0.25N-----	ND-178.5	U	III	431	120	328
XETJ-----	Torreon, Coah., N. 25°39'18", W. 103°28'17".	1D/0.25N-----	ND-175	U	III	361	120	361
XEVX-----	Comalcalco, Tab., N. 18°15'62", W. 93°13'07".	1D/0.25N-----	ND-175	U	III	394	90	381
		580 kHz						
XEAV-----	Guadalajara, Jal., N. 20°40'34", W. 103°23'12".	10D/1N------	ND-176	U	III	354	120	354
XEDZ-----	Cordoba, Ver., N. 18°53'34", W. 96°55'52".	1D/0.45N-----	ND-176	U	III	354	120	354
XEFI-----	Chihuahua, Chih., N. 28°38'00", W. 106°07'00".	5D/0.25N-----	ND-184	U	III	427	90	427
XEHP-----	Cd. Victoria, Tams., N. 23°44'06", W. 99°07'51".	1D/0.15N-----	ND-175	U	III	341	120	361
XEMU-----	Piedras Negras, Coah., N. 28°41'50", W. 100°30'46".	5D/0.25N-----	ND-175	U	III	322	90	425
XEUE-----	Tuxtla Gutierrez, Chis., N. 16°45'20", W. 93°06'46".	1D/0.2N------	ND-176	U	III	394	120	328
		590 kHz						
XEE------	Durango, Dgo., N. 24°00'04", W. 104°38'44".	1D/0.15N-----	ND-191	U	III	427	120	577
XEFD-----	Rio Bravo, Tams., N. 25°58'36", W. 98°03'15".	5D/0.25N-----	ND-175	U	III	358	90	381
XEHQ-----	Hermosillo, Son., N. 29°03'35", W. 110°54'35" (PO: 0.5 ND U).	1.5----------	ND-175	U	III	335	90	417
XEPH-----	Mexico, D.F., N. 19°24'00", W. 99°06'23".	5----------	ND-175	U	III	377	120	335
		600 kHz						
XEBB-----	Acapulco, Gro., N. 16°50'24", W. 99°54'43".	5D/1N------	ND-177	U	III	410	120	295
XEDN-----	Torreon, Coah., N. 25°38'00", W. 103°28'00".	1----------	ND-183.5	U	III	335	120	410
XEMN-----	Monterrey, N.L., N. 25°39'35", W. 100°18'00".	0.5----------	ND-175	D	III	371	90	361
XERJ-----	Mazatlan, Sin. (PO: 1320 kHz).	5D/1N------	DA-2	U	III			
XEWZ-----	Guanajuato, Gto., N. 21°01'02", W. 101°15'18".	0.25---------	ND-176	U	III	345	120	345
XEZ------	Merida, Yuc., N. 21°00'05", W. 89°37'19".	2----------	ND-175	U	III	328	120	345
		610 kHz						
XEBX-----	Sabinas, Coah., N. 27°50'34", W. 101°07'23".	3D/0.5N-----	ND-191	U	III	410	250	410
XECV-----	Cd. Valles, S.L.P., N. 21°59'04", W. 99°00'58".	1D/0.25N-----	ND-175	U	III	325	120	345
XEEL-----	Fresnillo, Zac., N. 23°10'35", W. 102°51'30".	1D/0.15N-----	ND-175	U	III	404	90	328
XEGS-----	Guasave, Sin., N. 25°34'17", W. 108°27'00".	1D/0.5D------	ND-184	U	III	404	90	404
XEJA-----	Jalapa, Ver., N. 19°31'33", W. 96°54'52".	1D/0.5N------	ND-175	U	III	371	90	354
XEKZ-----	Tehuantepec, Oax., N. 16°21'36", W. 95°13'54".	1D/0.5N------	ND-183	U	III	404	120	328
XEUF-----	Uruapan, Mich., N. 19°25'02", W. 102°01'00".	5D/1N------	ND-181	U	III	295	120	404
		620 kHz						
XEACM----	Villahermosa, Tab., N. 17°59'00", W. 92°55'45".	1D/0.1N------	ND-193	U	III	427	120	427
XEBU-----	Chihuahua, Chih., N. 28°39'00", W. 106°05'00".	5D/0.25N-----	ND-185	U	III	345	120	394
XECK-----	Durango, Dgo., N. 24°01'35", W. 104°38'41".	1D/0.1N------	ND-183	U	III	410	120	328
XEGH-----	Rio Bravo, Tams. (under construction).	0.25---------	ND	D	III			
XENK-----	Mexico, D.F., N. 19°20'00", W. 99°08'00".	10D/5N------	ND-178.5	U	III	300	110	377
XEOO-----	Tepic, Nay., N. 21°30'10", W. 104°52'25".	1D/0.25N-----	ND-175	U	III	318	120	335
		630 kHz						
XEACA----	Acapulco, Gro., N. 16°50'30", W. 99°50'43".	5D/0.25N-----	ND-175	U	III	312	120	328
XEFB-----	Monterrey, N.L., N. 25°41'06", W. 100°14'33" (PO: 5D/1N,ND, U).	10----------	DA-2 ND-181	U	III	341	90	390

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEFU	Cosamaloapan, Ver., N. 18°20′37″, W. 95°47′49″.	5D/0.75N	ND-183	U	III	315	120	394
XEFX	Guaymas, Son., N. 27°55′25″, W. 110°54′32″.	0.25	ND-175	U	III	322	120	322
XEID	Cananea, Son. (under construction).	5	ND	D	III			
XEJB	Guadalajara, Jal. (educational).	0.5	ND-173.5	U	III	256	120	361
XETK	Mazatlan, Sin., N. 23°11′55″, W. 106°25′20″.	1D/0.25N	ND-175	U	III	312	120	328
XETS	Tapachula, Chis., N. 14°54′18″, W. 92°15′56″.	1D/0.5N	ND-175	U	III	289	120	345
		640 kHz						
XEWM	San Cristobal las Casas, Chis., N. 16°44′53″, W. 92°38′45″.	0.25	ND-175	D	II	377	90	322
		650 kHz						
XEEJ	Puerto Vallarta, Jal., N. 20°36′25″, W. 105°16′00″.	0.25	ND-175	D	II	354	90	328
XETNT	Los Mochis, Sin., N. 25°47′00″, W. 109°00′00″.	0.5	ND-175	D	II	354	90	328
XEZM	Zamora, Mich., N. 19°59′14″, W. 102°11′12″.	5	ND-182	D	II	367	120	328
		660 kHz						
XEACB	Cd. Delicias, Chih., (under construction).	0.5	ND-175	D	II	322	90	345
XENB	Macuspana, Tab. (under construction).	1	ND-175	D	II	322	90	345
XERPM	Mexico, D.F., N. 19°29′13″, W. 99°02′33″ (PO: 10-D/5-N, DA-N).	50D/5N	DA-N-190	U	II	374	120	374
XEYG	Matias Romero, Oax., N. 16°53′59″, W. 95°01′40″.	0.25	ND-150	D	II	186	120	223
		670 kHz						
XEIS	Cd. Guzman, Jal., N. 19°43′13″, W. 103°27′53″.	1	ND-190	D	II	369	120	369
XETOR	Matomoros, Coah., N. 25°31′00″, W. 103°14′00″.	1	ND-175	D	II	262	120	308
		680 kHz						
XEFJ	Texiutlan, Pue., N. 19°50′28″, W. 97°21′36″.	1D/0.1N	ND-177	U	II	282	90	361
XEFO	Chihuahua, Chih., N. 28°40′00″, W. 106°06′20″.	1	ND-183.5	D	II	285	120	361
XEKC	Oaxaca, Oax. (under construction).	5D/1N	DA-2	U	II			
XEKQ	Tepachula, Chis., N. 14°54′49″, W. 92°15′32″.	5D/0.5N	ND-187	U	II	369	120	361
XELG	Leon, Gto., N. 21°07′28″, W. 101°41′01″.	10D/5N	DA-N-190	U	II			
XELV	Hermosillo, Son. (under construction).	0.25	ND	D	II			
XENF	Tepic, Nay. (under construction).	0.25	ND	D	II			
XEORO	Guasave, Sin., N. 25°33′25″, W. 108°28′15″ (PO: 0.5 kw.).	1	ND-175	D	II	318	90	341
		690 kHz						
XETRAN	Progreso, Yuc. (under construction).	50	DA-1	U	II			
XEN	Mexico, D.F., N. 19°20′35″, W. 99°05′23″.	20D/5N	ND-175	U	II	358	95	312
XERG	Monterrey, N.L., N. 25°40′11″, W. 100°18′21″.	0.5D/0.2N	ND-177	U	II	285	90	354
XETRA	Tijuana, B.C., N. 32°25′15″, W. 117°05′30″.	50	DA-2	U	I-B			
		700 kHz						
XEAR	Zapopan, Jal., N. 20°43′32″, W. 103°23′09″.	1	ND-175	D	II	333	120	303
XETN	Moroleon, Gto. (under construction).	0.25	ND	D	II			
XEVC	Cordoba, Ver., N. 18°51′20″, W. 96°55′52″.	0.5	ND-175	D	II	328	120	312
	Cd. Valles, S.L.P. (under construction).	1	ND	D	II			
		710 kHz						
XEBL	Culiacan, Sin., N. 24°48′35″, W. 107°24′30″.	5D/0.25N	ND-190	U	II	348	120	348
XEKU	Acapulco, Gro., N. 16°51′20″, W. 99°53′06″.	0.5D/0.15N	ND-175	U	II	292	90	320
XEMP	Mexico, D.F., N. 19°23′26″, W. 99°06′59″.	1D/0.5N	ND-175	U	II	282	240	292
XEON	Tuxtla, Gutierrez, Chis., N. 16°45′30″, W. 93°06′45″.	2D/1N	ND-197	U	II	427	120	345
XEPQ	Muzquiz, Coah., N. 27°54′00″, W. 101°30′00″.	1D/0.1N	ND-175	U	II	295	90	320
XEPS	Emalme, Son., N. 27°57′44″, W. 110°48′33″.	1D/0.25N	ND-164	U	II	262	90	262
XERK	Tepic, Nay., N. 21°31′27″, W. 104°55′00″.	1D/0.175N	ND-175	U	II	285	120	285
XERL	Colima, Col., N. 19°14′27″, W. 103°42′47″.	1D/0.2N	ND-175	U	II	308	90	305
XERPO	Oaxaca, Oax., N. 17°03′46″, W. 96°43′21″ (PO: 0.5D/0.1N).	1D/0.1N	ND-175	U	II	295	90	318
	None	*720 kHz*						
		730 kHz						
XEX	Mexico, D.F., N. 19°15′00″, W. 99°05′00″.	500	DA-225	U	1-A	614	200	656
	None	*740 kH*						
	do	*750 kHzz*						
		760 kHz						
XEABC	Los Reyes, Mex., N. 19°22′04″, W. 98°51′03″ (PO: 5kw. ND, D).	20D/10N	DA-2-197	U	II	394	120	394
XEDGO	Durango, Dgo., N. 24°02′26″, W. 104°36′18″.	1	ND-177.5	D	II	269	90	315
XEEQ	San Luis Potosi, S.L.P., N. 22°09′05″, W. 100°58′15″.	0.25	ND-175	D	II	266	90	323
XEZZ	Tonala, Jal., N. 20°37′15″, W. 103°16′30″.	5	ND-179	D	II	299	90	312
		770 kHz						
XEGK	Tamazunchale, S.L.P. (under construction).	1	ND	D	II			
XEHB	San Francisco del Oro, Chih., N. 26°53′13″, W. 105°53′04″.	0.5	ND-184	D	II	262	120	318
XEML	Apatzingan, Mich., N. 19°02′54″, W. 102° 19′20″ (PO: 0.25 kw., ND, D).	1	ND-175	D	II	322	140	230
		780 kHz						
XEZN	Celaya, Gto. (under construction).	0.25	ND	D	II			
		790 kHz						
XEBI	Aguascalientes, Ags, N. 21°52′49″, W. 102°17′42″.	1D/0.25N	ND-175	U	III	236	100	299
XEFE	Nuevo Laredo, Tams, N. 27°29′46″, W. 99°30′03″.	1D/0.5N	ND-190	U	III	312	410	499
XEGZ	Cd. Lerdo, Dgo″, N. 25°32′30″, W. 103°31′12″.	0.25	ND-188	U	III	295	120	312
XELN	Linares, N.L., N. 24°52′21″, W. 99°33′22″.	1	ND-175	D	III	295	90	262
XENT	La Paz, Terr. B.C., N. 24°09′50″, W. 110°18′56″.	5D/0.75N	ND-190	U	III	312	120	328
XERC	Mexico, D.F., N. 19°24′20″, W. 99°07′25″.	10D/1N	ND-189	U	III	302	120	302
XERPC	Chihuahua, Chih., N. 28°41′00″, W. 106°04′27.8″.	5D/0.4N	ND-185	U	III	295	120	295
XESU	Mexicali, B.C., N. 32°37′00″, W. 115°30′32″.	0.5	ND-182	D	III	233	120	328
XEVA	Villahermosa, Tab., N. 17°58′52″, W. 92°55′22″.	5D/0.2N	ND-175	U	III	210	120	312

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		800 kHz						
XEAN	Ocotlan, Jal., N. 20°20′00″, W. 102°45′00″.	1	ND-179	D	II	262	90	308
XEMMM	Tijuana, B.C., N. 32°30′45″, W. 117°01′06″.	0.5	ND-175	D	II	256	120	256
XELO	Cd. Juarez, Chih., N. 31°44′15.8″, W. 106°29′08.5″.	150	ND-225	U	I-A	499	180	427
		810 kHz						
XEFW	Tampico, Tams., N. 22°13′05″, W. 97°51′07″.	50	DA-N ND-190	U	II	304	120	394
XEHT	Huamantla, Tlax., N. 19°18′49″, W. 99°55′42″.	0.5	ND-179	D	II	276	90	295
XEOE	Tapachula, Chis., N. 14°54′34″, W. 92°15′39″.	1D/0.15N	ND-175	U	II	246	90	292
XERI	Reynosa, Tams., N. 26°05′27″, W. 98°16′20″.	0.25	ND-175	D	II	246	90	295
XERSV	Cd. Obregon, Son., N. 27°30′50″, W. 109°56′26″ (PO: 5 kw., D, ND).	5D/0.25N	DA-N ND-190	U	II			
XEUX	Tuxpan, Nay., N. 21°58′43″, W. 105°20′30″.	5	ND-177	D	II	299	90	262
XEYM	Morelia, Mich., (under construction).	1	ND	D	II			
		820 kHz						
XEBA	Guadalajara, Jal., N. 20°43′20″, W. 103°18′29″.	1	ND-177	D	II	289	120	230
XEKG	Fortin de las Flores, Ver., N. 18°46′27″, W. 96°50′14″.	1	ND-188	D	II	295	120	295
XESB	Santa Barbara, Chih., N. 26°48′50″, W. 105°48′40″.	0.75	ND-183	D	II	240	120	295
		830 kHz						
XELA	Mexico, D.F., N. 19°20′02″, W. 99°07′58″ (PO: 10D/5N, DA, N).	10D/5N	DA-N ND-181	U	II	307	110	197-295
XEVQ	Navolato, Sin., N. 24°45′25″, W. 107°39′31″.	1	ND-184	D	II	297	90	297
XEFG	Celaya, Gto., N. 20°30′53″, W. 100°49′10″.	1	ND-176	D	II	246	120	246
XEMY	Cd. Mante, Tams., N. 22°48′54″, W. 90°56′45″.	0.5	ND-176	D	II	246	120	246
		850 kHz						
XEM	Chihuahua, Chih., N. 28°40′30″, W. 106°07′30″.	5	ND-174	D	II	256	90	256
XEMIA	Tlaquepaque, Jal., N. 20°34′35″, W. 103°20′05″ (PO: Chapala, Jal.).	1	ND-175	D	II	256	90	262
XETQ	Orizaba, Ver., N. 18°50′40″, W. 97°05′57″ (PO: 10 kw., DA-N).	100D/50N	DA-N-225	U	I-B	525	120	295
XEUS	Hermosillo, Son., N. 29°05′03″, W. 110°57′54″.	1	ND-191	D	II	295	120	591
XEZF	Mexicali, B.C., N. 32°39′12″, W. 115°28′30″.	0.25	ND-177	D	II	246	120	249
XEZR	Zaragoza, Coah., N. 28°29′00″, W. 100°54′00″.	1	ND-188	D	II	286	120	286
		860 kHz						
XEAL	Manzanillo, Col., N. 19°02′00″, W. 104°19′30″.	1	ND-176	D	II	262	90	253
XEDU	Durango, Dgo., N. 24°01′40″, W. 104°39′20″.	1D/0.5N	ND-181	U	II	249	90	328
XEMO	Tijuana, B.C., N. 32°30′48″, W. 117°01′08″.	5	ND-209	U	II	430	120	286
XENL	Monterrey, N.L., N. 25°40′11″, W. 100°18′26″.	5D/2N	DA-N ND-190	U	II	289	120	289
XENW	Culiacan, Sin., N. 24°49′03″, W. 107°18′38″.	1D/0.25N	ND-181	U	II	256	120	256
XERPN	Cd. Juarez, Chih., N. 31°42′18″, W. 106°30′05″.	1D/0.5N	DA-N ND-190	U	II			
XETW	Tampico, Tams., N. 22°13′00″, W. 97°51′19″.	0.5	ND-175	U	II	259	90	259
XEUN	Mexico, D.F., N. 19°28′57″, W. 99°14′40″.	45D/25N	DA-2	U	II			
XEZR	Zaragoza, Coah., N. 28°29′00″, W. 100°54′00″.	0.25N	DA-N	N	II			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEZX	Tenosique, Tab., N. 17°28′45″, W. 91°25′33″.	1D/0.15N	ND-175	U	II	197	120	262
		870 kHz						
XEACF	Irapuato, Gto. (under construction).	1	DA-D	D	II			
XELY	Morelia, Mich., N. 19°42′12″, W. 101°07′12″.	1	ND-230	D	II	538	120	305
XENH	Escuinapa, Sin., N. 22°50′10″, W. 105°42′17″.	1	ND-175	D	II	256	90	256
		880 kHz						
XEEM	Rio Verde, S.L.P., N. 21°55′52″, W. 99°59′58″.	1	ND-175	D	II	249	90	249
XETZ	Tequila, Jal., N. 20°50′00″, W. 103°43′00″.	1	ND-181	D	II	266	90	271
	None							
		890 kHz						
		900 kHz						
XEW	Mexico, D.F., N. 19°19′00″, W. 99°07′00″.	250	ND-225	U	I-A	499	180	492
		910 kHz						
XEAO	Mexicali, B.C., N. 32°38′33″, W. 115°30′23″.	0.25	ND-175	U	II	203	120	203
XEHO	Cd. Obregon, Son., N. 27°28′30″, W. 109°58′00″.	1D/0.25N	ND-175	U	II	221	90	221
		920 kHz						
XEBH	Hermosillo, Son., N. 27°05′30″, W. 110°56′10″.	5D/1N	ND-194.5	U	III	302	120	279
XEBM	San Luis Potosi, S.L.P., N. 22°09′08″ W. 101°07′09″.	5D/1N	ND-183	U	III	242	100	262
XECQ	Culiacan, Sin., N. 24°51′24″, W. 107°23′47″.	1D/0.1N	ND-177	U	III	246	120	197
XEHC	Ensenada, B.C., N. 31°51′10″, W. 116°38′09″ (PO: 0.5D/0.2N).	2.5D/0.2N	ND-175	U	III	213	120	225
XELT	Guadalajara, Jal., N. 20°40′37″, W. 103°23′15″.	1D/0.25N	ND-190	U	III	267	120	267
XEMJ	Piedras Negras, Coah., N. 28°42′26″, W. 100°30′57″.	1D/0.25N	ND-192.5	U	III	302	120	262
XECK	Monterrey, N.L., N. 25°40′47″, W. 100°17′28″.	1D/0.25N	ND-240.5	U	III	558	120	325
XEOP	Villa Frontera, Coah., N. 26°55′30″, W. 101°26′50″.	0.25D/0.2N	ND-175	U	III	226	90	246
XEQD	Chihuahua, Chih., N. 28°38′14″, W. 106°06′04″ (PO: 1 kw., D).	1D/0.1N	ND-190	U	III	267	120	295
XETAA	Torreon, Coah., N. 25°23′34″, W. 103°23′49″ (PO: 0.5 kw. D/0.2 kw., N).	1D/0.2N	ND-175	U	III	230	120	213
XEVV	Chiapa de Corzo, Chis., N. 16°42′05″ W., 92°55′11″.	5D/0.25N	ND-201	U	III	348	120	348
		930 kHz						
XEU	Veracruz, Ver., N. 19°10′44″, W. 96°08′59″. (PO: 0.5 kw., U).	5D/1N	ND-190	U	III	266	120	266
		940 kHz						
XEQ	Mexico, D.F. N. 19°15′00″, W. 99°05′00″ (PO: 50 kw., U).	150D/50N	ND-253.5	U	I-B	574	180	525
XERKS	Reynosa, Tams., N. 26°02′30″, W. 98°17′15″.	0.2	ND-190	D	II	262	120	262
XEWV	Mexicali, B.C., N. 32°37′23″, W. 115°30′06″.	1	ND-188	D	II	256	120	256
		950 kHz						
XEFA	Chihuahua, Chih., N. 28°41′15″, W. 106°04′20″.	0.5D/0.25N	ND-175	U	III	233	90	233
XEGM	Tijuana, B.C., N. 32°25′30″, W. 117°05′20″ (PO: 2.5 kw., ND, U).	10D/5N	DA-2 ND-190	U	III	259	120	259
XEMAB	Cd. del Carmen, Camp. (under construction).	0.25	ND	U	III			
XEORF	El Fuerte, Sin. N. 26°25′30″, W. 108°38′51″.	1D/0.5N	ND-190	U	III	259	120	259

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XERN	Montemorelos, N.L., N. 25°11′24″, W. 99°51′15″.	1D	ND-175	D	III	246	90	203
XEYJ	Nueva Rosita, Coah., N. 27°55′23″, W. 101°14′45″.	1D/0.1N	ND-191	U	III	264	120	264
		960 kHz						
XECC	Cd. Camargo, Chih., N. 27°41′49″, W. 105°10′09″.	0.25D/0.1N	ND-175	U	III	195	90	262
XECS	Manzanillo, Col., N. 19°02′51″, W. 104°19′47″.	1D/0.2N	ND-175	U	III	154	120	256
XECZ	San Luis Potosi, S.L.P., N. 22°09′10″, W. 100°58′48″.	0.5D/0.25N	ND-175	U	III	194	90	256
XEGB	Coatzacoalcos, Ver., N. 18°08′15″, W. 90°26′16″.	1D/0.5N	ND-175	U	III	215	90	236
XEHK	Guadalajara, Jal., N. 20°41′00″, W. 103°20′30″.	1D/0.25N	ND-175	U	III	256	90	195
XEIQ	Cd. Obregon, Son., N. 27°28′30″, W. 109°58′00″. (PO: 0.75D/0.5N).	1D/0.5N	ND-175	U	III	256	90	164–246
XEK	Nuevo Laredo, Tams., N. 27°29′46″, W. 99°30′09″.	2D/1N	ND-184	U	III	256	90	256
XEKS	Saltillo, Coah., N. 25°25′32″, W. 100°59′57″.	0.5D/0.1N	ND-182	U	III	256	90	240
XEMM	Morelia, Mich., N. 19°42′14″, W. 101°11′28″.	0.5D/0.2N	ND-175	U	III	236	90	226
XEOZ	Jalapa, Ver., N. 19°30′54″, W. 96°52′42″.	1D/0.25N	ND-178	U	III	236	90	236
XEROO	Chetumal, Q. Roo., N. 18°31′39″, W. 88°17′56″.	1D/0.5N	ND-175	U	III	221	90	246
XEUQ	Zihuatanejo, Gro., N. 17°39′00″, W. 101°35′01″.	1D/0.25N	ND-183	U	III	237	120	237
		970 kHz						
XEBJ	Cd. Victoria, Tams., N. 23°45′08″, W. 99°08′40″.	1D/0.2N	ND-178	U	III	233	90	233
XECJ	Apatzingan, Mich., N. 19°05′25″, W. 102°15′25″ (PO: 1D/0.25N).	5D/0.25N	ND-196	U	III	335	90	256
XEDF	Mexico, D.F., N. 19°29′30″, W. 99°09′28″.	10D/5N	DA-N ND-D-201	U	III			
XEEZ	Caborca, Son., N. 30°43′00″, W. 112°05′00″.	0.25D/0.1N	ND-175	U	III	223	90	227
XEJ	Cd. Juarez, Chih., N. 31°44′23″, W. 106°28′41″.	10D/5N	ND-178	U	III	236	90	236
XEMH	Merida, Yuc., N. 20°58′32″, W. 89°36′43″.	1D/0.1N	ND-184	U	III	253	90	253
XEO	Matamoros, Tams., N. 25°52′03″, W. 97°30′24″.	1	ND-180	U	III	253	120	203
XEOW	Mazatlan, Sin., N. 23°17′01″, W. 106°28′09″.	1D/0.25N	ND-187	U	III	246	120	246
XEQX	Monclova, Coah., N. 26°55′28″, W. 101°26′29″.	0.5D/0.15N	ND-175	U	III	197	90	253
XEUG	Guanajuato, Gto., N. 21°01′01″, W. 101°15′20″.	0.5	ND-175	D	III	246	90	213
XEVT	Villahermosa, Tab., N. 17°59′15″, W. 92°55′00″.	5D/0.4N	ND-206	U	III	394	90	328
		980 kHz						
XEFQ	Cananea, Son., N. 30°57′23″, W. 110°17′28″.	0.5	ND-175	U	III	218	120	201
XEKE	Navojoa, Son., N. 27°04′52″, W. 109°27′13″.	1D/0.25N	ND-188	U	III	241	120	246
XELC	La Piedad, Mich., N. 20°21′29″, W. 101°53′21″.	5D/0.2N	ND-184	U	III	249	90	295
XENR	Nueva Rosita, Coah., N. 27°55′15″, W. 101°14′26″. (PO: 1D/0.5N).	5D/0.5N	ND-183.5	U	III	246	90	262
XEOT	San Pedro de las Colonias, Coah. (under construction).	0.5	ND	U	III			
XEQG	Queretaro, Qro., N. 20°27′00″, W. 100°24′00″.	1D/0.15N	DA-D ND-190	U	III			
XEQO	Cosamaloapan, Ver. (under construction).	5	DA-N	U	III			
XETU	Tampico, Tams., N. 22°13′00″, W. 97°51′19″.	10D/1N	DA-D ND-190	U	III			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEXT	Tepic, Nay., N. 21°30′20″, W. 104°48′30″.	1	ND-190	U	III	249	120	249
		990 kHz						
XEBC	Cd. Guzman, Jal., N. 19°42′15″, W. 103°24′00″.	1D/0.1N	ND-187	U	II	230	180	246
XECL	Mexicali, B.C., N. 32°37′48″, W. 115°30′06″.	5	ND-189	U	II	246	120	249
XEER	Cd. Cuauhtemoc, Chih., N. 28°24′43″, W. 106°51′00″ (PO: 0.5D/0.2N).	1D/0.2N	ND-176	U	II	251	100	148–246
XEHZ	La Paz, Terr., B.C., N. 24°05′26″, W. 110°20′00″.	ID/0.25N	ND-188	U	II	236	120	253
XEOL	Teziutlan, Pue., N. 19°48′28″, W. 97°21′32″.	0.5D/0.1N	ND-175	U	II	249	90	222
XET	Monterrey, N.L., N. 25°44′00.2″, W. 100°14′42.2″.	50D	DA-N ND-198	U	II	308	180	246
XETG	Tuxtla Gutierrez, Chis. (under construction).	10	DA-N	U	II			
XEUM	Valladolid, Yuc. (under construction).	0.25	ND	U	II			
		1000 kHz						
XEFV	Cd. Juarez, Chih., N. 31°44′17.4″, W. 106°25′55.9″.	1	ND-193	D	II	284	120	233
XEOY	Mexico, D.F., N. 19°23′15″, W. 99°17′15″. (PO: 10 kw., ND, U).	50	DA-N-225	U	I-B	448	120	246
	Rio Bravo, Tams. (under construction).	0.25	ND	D	II			
		1010 kHz						
XEDX	Ensenada, B.C., N. 31°52′48″, W. 116°36′09″.	0.5D/0.25N	ND-175	U	II	197	120	207
XEEB	Esperanza, Son., N. 27°33′29″, W. 109°56′15″.	0.25	ND-175	U	II	194	90	236
XEFM	Veracruz, Ver., N. 19°06′30″, W. 96°08′30″. (operation suspended June 25, 1969).	1D/0.2N	ND-175	U	II	230	90	190
XEHL	Guadalajara, Jal., N. 20°40′27″, W. 103°23′15″.	10D/5N	ND-187	U	II	243	120	230
XEKD	Cd. Acuna, Coah., N. 29°18′14″, W. 100°55′36″.	0.5D/0.25N	ND-180	U	II	220	90	246
XETX	Nueva Casas Grandes, Chih. N., 30°21′55″, W. 107°58′42″.	1D/0.25N	ND-175	U	II	225	90	213
XEVK	Torreon, Coah., N. 25°32′18″, N. 103°27′55″.	5D/0.1N	ND-175	U	II	197	100	225
XEWS	Culiacan, Sin., N. 24°48′36″, W. 107°25′35″.	5D/0.25N	ND-175	U	II	210	120	236
XEXN	Ures, Son., N. 29°25′30″, W. 110°23′00″.	0.5D/0.2N	ND-190	U	II	243	120	243
		1020 kHz						
XEBR	Macuspana, Tab. (under construction).	1D/0.1N	ND	U	II			
XEXL	Patzcuaro, Mich., N. 19°30′56″, W. 101°30′31″.	1	ND-188	D	II	295	120	197
		1030kHz						
XELJ	Lagos de Moreno, Jal., N. 21°21′00″, W. 101°55′18″ (PO: 0.25 kw., ND, D).	1	ND-176	D	II	207	90	187
XEQR	Mexico, D.F., N. 19°31′15″, W. 99°13′14″.	10D/1N	ND-200	U	II	308	120	295
XEVR	Ixtlan del Rio, Nay., (under construction).	0.25D	ND	D	II			
		1040 kHz						
XECX	Tala, Jal., (under construction).	0.25	ND	D	II			
XEGR	Coatepec, Ver., N. 19°28′50″, W. 96°55′09″.	1	ND-188.5	D	II	230	120	246
		1050 kHz						
XED	Mexicali, B.C., N. 32°27′20″, W. 115°30′54″.	10D/1N	DA-1 ND-190	U	II			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEG	Monterrey, N.L., N. 25°40′04″, W. 100°18′29″.	150	ND-225	U	I-A	427	120	466
		1060 kHz						
XESED	Mexico, D.F., (PO: 1 kw., ND, U).	50	DA-N ND-190	U	I-B	232	120	232
		1070 kHz						
XEGY	Tehuacan, Pue., N. 18°27′54″, W. 97°23′20″.	1D/0.25N	ND-192	U	II	236	120	230
XEIT	Cd. del Carmen, Camp., N. 18°40′05″, W. 91°49′30″.	1D/0.25N	ND-175	U	II	184	120	194
XEMI	Minatitlan, Ver., N. 17°57′50″, W. 94°32′00″.	0.5D/0.1N	ND-175	U	II	184	90	221
XESP	San Pedro Tlaquepaque, Jal., N. 20°37′52″, W. 103°17′48″ (PO: 5D kw., ND).	5D/1N	DA-N ND-175	U	II	187	120	193
		1080 kHz						
XEAU	Monterrey, N.L., N. 25°40′11″, W. 100°18′21″.	0.5	ND-175	D	II	230	120	160
XECN	Irapuato, Gto., N. 20°40′28″, W. 101°20′51″.	1	ND-190	D	II	228	120	228
XEDY	Cd. Morelos, B.C., N. 32°38′00″, W. 114°52′01″.	0.5	ND-175	D	II	197	90	210
XEXK	Poza Rica, Ver. (under construction).	0.25	ND	D	II			
		1090 kHz						
XEHR	Puebla, Pue., N. 19°02′41″, W. 98°11′48″ (PO: 0.25 kw., ND,U).	0.5D/0.25N	ND-192	U	II	240	120	246
XELB	La Barca, Jal., N. 20°18′04″, W. 102°32′56″.	0.25	ND-183	D	II	217	90	230
XEOD	Boca del Rio, Ver., N. 19°03′36″, W. 96°04′40″.	1	DA-N ND-190	U	II			
XERB	Rosarito, B.C., N. 32°21′10″, W. 117°03′40″.	50	DA-N ND-272	U	I-B			
XEWL	Nuevo Laredo, Tams., N. 27°29′48″, W. 99°30′00″.	1	ND-190	D	II	230	120	230
		1100 kHz						
XEBD	Perote, Ver., N. 19°37′16″, W. 97°14′20″ (under construction).	0.25	ND-190	D	II	224	120	224
XEBV	Moroleon, Gto., N. 20°07′18″, W. 101°10′12″ (under construction).	0.5	ND-175	D	II	177	120	186
		1110 kHz						
XEFZ	Monterrey, N.L., N. 25°40′11″, W. 100°18′26″.	0.25	ND-175	D	II	190	90	206
XEJAC	Cardenas, Tab., N. 18°00′50″, W. 93°22′30″.	1D/0.1N	ND-190	U	II	221	120	221
XELEO	Leon, Gto., N. 21°08′00″, W. 101°40′00″.	5	ND-184	D	II	221	90	221
XEOQ	Rio Bravo, Tams., N. 25°59′09″, W. 98°14′38″.	1	ND-175	D	II	200	90	200
XERCN	Mexico, D.F., N. 19°31′19″, W. 99°12′17″. (PO: 10kw., ND, U).	50	DA-N ND-209	U	II	332	120	220
XESON	Navojoa, Son. (under construction).	1	ND	D	II			
XEVS	Villa de Seris, Son., N. 29°03′30″, W. 110°58′40″.	0.25	ND-187	D	II	221	120	207
XEWR	Cd. Juarez, Chih., N. 31°47′49″, W. 106°25′10″.	0.5	ND-175	D	II	190	90	205
	Campeche, Camp. (under construction).	0.5D/0.2N	ND	D	II			
		1120 kHz						
XETR	Cd. Valles, S.L.P., N. 21°59′50″, W. 99°00′00″.	1	ND-187	D	II	213	120	213
XEUNO	Guadalajara, Jal., N. 20°41′00″, W. 103°25′15″.	0.5	ND-175	D	II	220	90	180
XEZB	Oaxaca, Oax. (under construction).	0.5	ND	D	II			
		1130 kHz						
XEFN	Uruapan, Mich., N. 19°25′02″, W. 101°57′17″. (PO: 0.25 kw., ND, D).	1	ND-202	D	II	317	120	197
XEHN	Nogales, Son. (under construction).	1	ND	D	II			
XEZL	Jalapa, Ver., N. 19°31′32″, W. 96°59′52″ (PO: 10 kw., D).	10	DA-N ND-180	U	II	218	120	197
		1140 kHz						
XEMR	Monterrey, N.L., N. 25°45′40″, W. 100°15′17″ (PO: 10 kw., DA-N).	50	DA-N ND-D-225	U	I-B			
XETE	Tehuacan, Pue., N. 18°28′17″, W. 97°23′39″.	1	ND-175	D	II	194	90	194
XEXF	Leon, Gto., N. 21°08′50″, W. 101°43°25″ (PO: Romita, Gto.).	5	ND-184	D	II	220	90	220
		1150 kHz						
XEAD	Guadalajara, Jal., N. 20°40′37″, W. 103°20′22″.	1D/0.125N	ND-175	U	III	197	90	180
XEBF	San Pedro de las Colonias, Coah., N. 25°45′20″, W. 103°00′15″.	1D/0.25N	ND-190	U	III	216	120	216
XEJP	Mexico, D.F., N. 19°30′15″, W. 99°04′56″.	10	DA-N ND-190	U	III			
XEJS	Hidalgo, del Parral, Chih., N. 26°56′12″, W. 105°39′31″ (PO: 0.5 kw., ND, U).	1D/0.5N	ND-175	U	III	187	90	193
XERM	Mexicali, B.C., N. 32°38′07″, W. 115°29′13″.	1D/0.5N	ND-175	D	III	214	90	176
XERRF	Merida, Yuc., N. 21°00′00.7″, W. 89° 36′36.5″ (PO: 0.5D/0.35N)	1D/0.35N	ND-177	U	III	197	90	197
XERTM	Macuspana, Tab., N. 17°44′45″, W. 92°35′39″.	1D/0.125N	ND-187	U	III	230	90	295
XESO	Cd. Obregon, Son. (under construction)	5D/0.3N	ND	U	III			
XEWY	Alamo, Ver. (under construction).	1	ND	D	III			
XEXP	Tuxtepec, Oax., N. 18°05′22″, W. 96°07′12″.	0.5	ND-175	D	III	192	90	192
XEXZ	Zacatecas, Zac., N. 22°46′33″, W. 102°35′10″.	1D/0.2N	ND-186	U	III	187	120	213
		1160 kHz						
XEBE	Perote, Ver., N. 19°37′12″, W. 97°14′24″.	0.25	ND-190	D	II	212	120	212
XEGI	Tamazunchale, S.L.P., N. 21°17′36″, W. 98°45′30″. (under construction).	0.5	ND-190	D	II	212	120	212
XEWI	Uruapan, Mich., N. 19°25′10″, W. 102°02′00″.	1	ND-175	D	II	197	120	161
XEVW	Acambaro, Gto., N. 20°12′00″, W. 100°35′00″.	1	ND-175	D	II	238	90	157
		1170 kHz						
XECD	Puebla, Pue., N. 19°03′30″, W. 98°11′37″. (PO: 0.35 kw., ND, U).	1D/0.35N	ND-175	U	II	169	120	177
XEGV	Caborca, Son. (under construction).	0.25	ND	D	II			
XELP	La Piedad, Mich., N. 20°20′17″, W. 102°01′38″. (PO: 0.25 kw., ND, D).	0.25D/0.1N	ND-175	U	II	157	90	210
XERT	Reynosa, Tams., N. 26°02′30″, W. 98°13′15″. (PO: 1 kw.-D).	5	ND-229	D	II	394	120	361
XEQV	Arcelia, Gro. (under construction).	50	DA-2	U	II			
XEUVA	Aguascalientes, Ags. (under construction).	1	ND	D	II			
XEZS	Coatzacoalcos, Ver., N. 18°08′27″, W. 94°25′34″.	0.5D/0.25N	ND-175	U	II	197	90	172
		1180 kHz						
XEFR	Mexico, D.F., N. 19°25′43″, W. 90°07′07″. (PO: 1D/0.25N, ND, U).	1	ND-175	U	II	208	90	171
XEXS	San Francisco del Rincon, Gto., N. 21°00′00″, W. 101°45′00″.	0.5	ND	D	II	232	90	207

Call letters	Location	Power kw	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEYV	Huatusco, Ver., N. 19°09′07″, W. 96°57′20″.	1	ND-175	D	II	149	120	192
		1190 kHz						
XECT	Monterrey, N.L. (under construction).	0.5	ND	D	II			
XEDO	Jojutla, Mor., N. 18°36′42″, W. 99°10′54″.	1	ND-190	D	II	210	120	210
XEGJ	Arriaga, Chis. (under construction).	0.25	ND	D	II			
XEMBC	Mexicali, B.C., N. 32°40′07″, W. 115°27′50″.	0.25	ND-175	D	II	203	90	174
XEPK	Pachuca, Hgo., N. 20°07′41″, W. 98°43′59″.	0.5	ND-190	D	II	208	120	208
XEPZ	Cd. Juarez, Chih., N. 31°42′21″, W. 106°28′04.5″.	1	ND-175	D	II	190	90	182
XESOL	Cd. Hidalgo, Mich., N. 19°48′00″, W. 100°34′16″.	0.5	ND-175	D	II	215	90	164
XEVN	Nogales, Son. (under construction).	0.5	ND	D	II			
XEWK	Guadalajara, Jal., N. 20°41′30″, W. 103°20′15″ (PO: 50D/10N, ND, U).	50	DA-N ND-225	U	I-B	348	120	492
	Cd. Madero, Tams., N. 22°15′02″, W. 97°50′13″ (under construction).	0.5	ND-175	D	II	207	90	169
		1200 kHz						
XEPW	Poza Rica, Ver., N. 20°31′30″, W. 97°27′15″.	0.25	ND-175	D	II	197	90	177
XEZI	Zacapu, Mich., N. 19°50′05″, W. 101°43′30″.	1	ND-175	D	II	208	90	167
	None	*1210 kHz* *1220 kHz*						
XEB	Mexico, D.F., N. 19°19′45″, W. 99°09′38″.	100	ND-248	U	I-A	433	180	202
		1230 kHz						
XESCT	Ensenada, B.C., (under construction).	1D/0.25N	ND-190	U	IV	200	120	200
		1240 kHz						
XEBN	Cd. Delicias, Chih., N. 28°11′27″, W. 105°30′12″.	1D/0.25	ND-166	U	IV	156	120	131
XEBQ	Guaymas, Son. N. 27°55′30″, W. 110°50′20″.	1D/0.25	ND-188	U	IV	187	140	197
XECE	Oaxaca, Oax. N. 17°03′49″, W. 96°44′10″.	0.5D/0.25N	ND-177	U	IV	164	90	197
XECG	Nogales, Son. N. 31°19′10″, W. 110°58′15″.	0.25	ND-190	U	IV	199	120	199
XEIF	San Blas, Sin. (under construction).	1D/0.25	ND	U	IV			
XEIZ	Monterrey, N.L., N. 20°40′11″, W. 100°18′27″ (PN: Villa de Guadalupe, N.L.)	0.5D/0.25N	ND-181	U	IV	190	70	190
XEID	Autlan de Navarro, Jal. N. 19°45′12″, W. 104°22′26″.	1D/0.1N	ND-180	U	IV	190	120	164
XELM	Tuxtla Gutierrez, Chis. N. 16°45′20″, W. 93°06′46″.	1D/0.25	ND-237	U	IV	328	120	328
XEMQ	Merida, Yuc. N. 20°56′45″, W. 89°36′10″.	1D/0.25	ND-181	U	IV	164	120	180
XENG	Huauchinango, Pue. N. 20°10′50″, W. 98°02′45″.	1D/0.2N	ND-180	U	IV	197	90	180
XEOV	Orizaba, Ver. N. 18°50′30″, W. 97°06′00″.	0.25D/0.175N	ND-156	U	IV	138	90	131
XERPA	Morelia, Mich., N. 19°42′16″, W. 101°11′30″.	0.5	ND-174	D	IV	197	120	118
XERZ	Leon, Gto., N. 21°07′20″, W. 101°41′00″.	1D/0.25N	ND-186	U	IV	197	120	180
XES	Tampico, Tams., N. 22°13′05″, W. 97°50′45″.	1D/0.25N	ND-190	U	IV	197	180	197
XESI	Santiago Ixcuintla, Nay., N. 21°49′05″, W. 105°11′14″. (PO: 0.3, ND, U).	1D/0.3N	ND-190	U	IV	199	120	197
XETC	Torreon, Coah., N. 25°32′18″, W. 103°27′55″ (PO: 0.25, ND, U).	0.5D/0.25N	ND-161	U	IV	131	120	131
XEVM	Piedras Negras, Coah., N. 28°42′25″, W. 100°31′02″.	0.25D/0.2N	ND-155	U	IV	131	90	131
XEWG	Cd. Juarez, Chih., N. 31°43′53″, W. 106°27′11″.	0.25	ND-162	U	IV	148	90	148
		1250 kHz						
XEAT	Hidalgo del Parral, Chih., N. 26°56′04″, W. 105°39′58″.	0.25	ND-175	U	III	207	90	157
XEDK	Guadalajara, Jal., N. 20°38′53″, W. 103°19′22″ (PO: 1 kw., ND, U).	5D/1N	ND-180	U	III	197	90	180
XEDL	Hermosillo, Son., N. 29°04′28″, W. 110°57′39″.	1D/0.5N	ND-175	U	III	118	120	197
XEJX	Queretaro, Qro., N. 20°35′35″, W. 100°23′12″.	1D/0.1N	ND-188	U	III	183	120	394
XEMG	Arriaga, Chis., N. 16°14′00″, W. 93°53′45″ (PO: 0.5D/0.25N).	1D/0.25N	ND-190	U	III	197	120	207
XEPI	Tixtla, Gro., N. 17°33′50″, W. 99°26′10″.	1D/0.1N	ND-190	U	III	197	120	197
XESC	Sabinas, Coah. (under construction).	1	ND	D	III			
XESJ	Saltillo, Coah., N. 25°28′17″, W. 100°59′45″.	1D/0.5N	ND-189	U	III	230	90	197
XETF	Veracruz, Ver., N. 19°11′24″, W. 96°08′07″ (N PO: 0.5 kw., ND, U).	1D/0.5N	ND-175	U	III	193	90	166
XEUO	Chetumal, Q. Roo., (under construction).	0.25	ND	U	III			
XEZT	Puebla, Pue., N. 19°02′30″, W. 98°11′52″.	0.25	ND-175	D	III	177	90	177
		1260 kHz						
XEDW	Minatitlan, Ver., N. 17°58′48″, W. 94°31′15″ (PO: 0.25 kw., ND, U).	1D/0.25N	ND-175	U	III	190	90	164
XEL	Mexico, D.F., N. 19°23′07″, W. 99°07′16″.	10D/1N	ND-185	U	III	203	90	194
XEMF	Monclova, Coah., N. 26°55′28″, W. 101°26′29″ (PO: 0.25 kw., ND, U).	1D/0.25N	ND-184	U	III	197	90	197
XEOG	Ojinaga, Chih., N. 29°33′18″, W. 104°24′07″.	1D/0.15N	ND-177	U	III	197	90	164
XER	Linares, N.L., N. 24°52′21″, W. 99°33′22″.	1D/0.25N	ND-189	U	III	190	120	197
XESIN	Culiacan, Sin., N. 24°48′40″, W. 107°23′30″ (under construction).	5D/0.5N	ND-190	U	III	195	120	195
XEXR	Cd. Valles, S.L.P., N. 21°58′30″, W. 99°00′01″.	1	ND-225	D	III	356	120	210
XEZH	Salamanca, Gto., N. 20°35′31″, W. 101°12′57″.	0.5	ND-190	D	III	197	120	197
		1270 kHz						
XEAX	Oaxaca, Oax., N. 17°04′36″, W. 96°42′07″.	5D/0.5N	ND-225	U	III	377	90	189
XEAZ	Tijuana, B.C., N. 32°32′20″, W. 117°02′40″.	0.5	ND-175	U	III	194	90	159
XEGL	Navojoa, Son., N. 27°04′52″, W. 109°27′15″.	1D/0.5N	ND-190	U	III	194	120	194
XEHD	Durango, Dgo (under construction).	0.25	ND	D	III			
XEMW	San Luis Rio Colorado, Son., N. 32°29′45″, W. 114°43′29″ (PO: 0.25 kw., ND, D).	1	ND-184	D	III	205	120	164
XENX	Mazatlan, Sin., N. 23°11′55″, W. 106°25′20″.	1D/0.25N	ND-175	U	III	246	90	121
XENY	Nogales, Son., N. 31°19′50″, W. 110°56′55″. (PO: 0.25 kw., ND, U).	1D/0.25N	ND-181	U	III	187	90	187
XECH	Cd. Comargo, Chih., (under construction).	1D/0.15N	ND-175	U	III	174	90	174
XEPV	Papantla, Ver., N. 20°27′00″, W. 97°19′00″.	1D/0.25N	ND-190	U	III	197	120	194
XEQH	Ixmiquilpan, Hgo., (under construction).	1D/0.1N	ND	U	III			
XERPL	Leon, Gto., N. 21°06′43″, W. 101°41′28″ (PO: 0.5D/0.15N, ND, U).	1D/0.15N	DA-D ND-190	U	III			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XERRT	Cd. Madero, Tams., N. 22°14′30″, W. 97°50′10″.	0.25D/0.2N	ND–177	U	III	207	120	138
XEWN	Gomez, Palacio, Dgo., N. 25°33′08.8″, W. 103°29′22.5″.	0.5D/0.15N	ND–175	U	III	194	90	159
XEXC	Taxco, Gro., N. 18°33′17″, W. 99°36′00″ (Ver. 1480 kHz).	0.25D/0.1N	ND–175	U	III	174	90	174
XEYUC	Merida, Yuc., N. 20°58′17″, W. 89°36′57″ (under construction).	1D	ND–190	U	III	194	120	194
XEZU	Zacapu, Mich., N. 19°48′14″, W. 101°47′10″ (PO: 0.5D/0.25N).	1D/0.25N	ND–175	U	III	174	90	174
		1280 kHz						
XEAG	Cordoba, Ver., N.18°53′02″,W. 96°56′52″.	1	ND–190	U	III	192	120	192
XEANA	Caborca, Son. (PN: Santa. Ana, Son.) (under construction).	0.5	ND	D	III			
XEAW	Monterrey, N.L., N. 25°40′23″, W. 100°16′26″.	5D/0.5N	ND–184	U	III	192	90	197
XEBW	Chihuahua, Chih., N. 28°36′07″, W. 106°04′39″	1D/0.6N	ND–175	U	III	192	90	157
XECAM	Campeche, Camp., N. 19°50′44″, W. 90°37′12″	0.5D/0.2N	ND–175	U	III	164	90	177
XEHS	Los Mochis, Sin., N. 25°48′00″, W. 108°57′06″	0.25	ND–182	U	III	174	120	174
XEKY	Huixtla, Chis., N. 15°06′50″, W. 92°29′00″,	1D/0.1N	ND–175	U	III	157	90	182
XELK	Zacatecas, Zac., N. 22°46′30″,W. 102°34′45″ (PO: 0.25 kw., ND, U).	5D/0.25N	ND–181.5	U	III	187	90	184
XEQP	Guadalajara, Jal., N 20°43′34″, W. 103°21′55″.	1D/0. 25N	ND–175	U	III	164	90	177
XESQ	San Miguel Allende, Gto., N. 20°54′52″, W. 100° 44′47″	0.5D/0.25N	ND–175	U	III	159	90	185
XEUU	Colima, Col. (under construction).	0.25	ND	U	III			
		1290 kHz						
XEAP	Cd. Obregon, Son., N. 27°29′55″, W. 109°54′13″	1D/0.1N	ND–175	U	III	174	100	167
XEDA	Mexico, D.F., N. 19°22′17″, W. 99°08′24″	1	ND–192	U	III	203	180	191
XEDB	Tonala, Chis., N. 16°05′47″, W. 93°45′34″ (PO: 0.25 kw., ND, U).	1D/0.25N	ND–178.5	U	III	197	90	164
XEIX	Jiquilpan, Mich., N. 19°59′31″, W. 102°43′16″.	1	ND–192	D	III	203	120	197
XEIY	Rio Verde, S.L.P., N. 21°55′52″, W. 99°59′58″.	0.25	ND–175	D	III	249	90	115
XERE	Salvatierra, Gto., N. 20°13′10″, W. 100°52′45″.	0.25	N–180	D	III	192	100	164
XETH	Palizada, Camp., N. 18°17′05″, W. 92°04′48″.	0.25D/0.1N	ND–175	U	III	164	90	176
		1300 k Hz						
XEABA	Nueva Rosita, Coah., N. 25°26′12″, W. 102°11′09″ (under construction).	1D/0.1N	ND–175	U	III	139	90	189
XEGA	San Andres Tuxrla, Ver. (under construction).	0.5	ND	U	III			
XEHU	Martinez de la Torre, Ver., N. 20°03′05″, W. 89°00′03″ (PO: 0.5D/0.1N, ND, U).	5D/0.1N	DA–D ND–194	U	III	210	120	210
XEJL	Guamuchil, Sin., N. 25°27′26″, W. 108°05′31″.	1D/0.25N	ND–186	U	III	177	120	184
XEKW	Morelia, Mich., N. 19°42′11″, W. 101°07′12″.	0.5	ND–175	U	III	171	90	171
XELE	Tampico, Tams. N. 22°15′34″, W. 95°52′14″.	1D/0.15N	ND–175	U	III	171	90	171
XEP	Cd. Juarez, Chih., N. 31°44′18″, W. 106°29′12″.	1D/0.5N	ND–179	U	III	194	90	164
XESW	Cd. Madera, Chih., N. 29°11′03″, W. 108°10′15″.	1	ND–186	D	III	184	90	184
XEXW	Nogales, Son., N. 31°20′17″, W. 110°58′25″ (PO: 1D/0.1N, ND).	5D/0.1N	ND–230	U	III	361	120	184
XEXV	San Francisco del Rincon, Gto. (under construction).	1	ND	D	III			
		1310 kHz						
XEAM	Matamoros, Tams., N. 25°50′45″, W. 97°30′19″.	1D/0.25N	ND–188.5	U	III	179	120	197
XEBP	Torreon, Coah, N.25°38′43″, W. 103°28′17″ (PO: 5D/0.25N, ND, U).	10D/0.25N	ND–203	U	III	262	120	262
XEC	Tijuana, B.C. N. 32°30′54″, W. 117°01′13″.	0.25	ND–190	U	III	187	120	187
XEFH	Agua Prieta, Son., N. 31°17′35″, W. 109°32′02″ (PO: 1 kw., ND, D).	1D/0.1N	ND–184	U	III	187	90	187
XEHIT	Puebla, Pue., N. 19°02′59″, W. 98°11′55″.	0.25D/0.1N	ND–175	U	III	154	120	157
XEHJ	Petatlan, Gro., N. 17°32′08″, W. 101°17′00″.	0.25	ND–175	U	III	187	90	154
XEHV	Veracruz, Ver. N. 19°11′59″, W. 96°08′19″.	1	ND–182	U	III	174	90	187
XEPO	San Luis Potosi, S.L.P., N. 22°09′18″, W. 100°58′00″.	0.5D/0.25N	ND–184	U	III	187	90	197
XERU	Chihuahua, Chih., N. 28°39′40″, W. 106°04′42″.	1D/0.25N	ND–180	U	III	180	90	180
XETAP	Tapachula, Chis. (under construction).	1	ND	D	III			
XETIA	Guadalajara, Jal., N. 20°43′20″, W. 103°18′29″. (PO: 250 W ND, U).	1D/0.25N	ND–205	U	III	289	90	262
XEVB	Villa de Juarez, N.L., N. 25°39′00″, W. 100°05′30″ (under construction).	1D/0.25N	ND–185	U	III	184	120	172
XEYE	La Paz, B.C. (under construction).	0.5	ND	U	II			
		1320 kHz						
XEAI	Mexico, D.F., N. 19°24′05″, W. 99°05′03″ (PO: 5D/1N, ND).	10D/1N	ND–186	U	III	171	120	184
XECY	Huejutla, Hgo., N. 21°27′49″, W. 98°25′14″.	1D/0.25N	ND–190	U	III	186	120	186
XEJZ	Cd. Jimenez, Chih., N. 27°07′52″, W. 104°55′24″ (PO: 0.5D/0.25N).	1D/0.25N	ND–185	U	III	190	90	351
XENI	Nueva Italia, Mich., N. 19°01′15″, W. 102°06′03″.	1D/0.25N	ND–189	U	III	197	120	177
XERJ	Mazatlan, Sin., N. 23°11′55″, W. 106°26′20″ (See 600 kHz).	5D/0.5N	ND–175	U	III	161	120	172
XERQ	Montemorelos, N.L. (under construction).	1D/0.1N	ND	U	III			
XENP	Ocotlan, Jal. (under construction).	0.5D/0.2N	ND	U	III			
XESR	Santa Rosalia, B.C. (under construction).	0.5	ND	U	III			
XESY	Magdalena, Son. (under construction).	0.2	ND	U	III			
XEUH	Tuxtepec, Oax., N. 96°06′50.5″, W. 18°05′24.47″.	1D/0.1N	ND–190	U	III	187	120	187
XEUI	Comitan, Chis., N. 16°16′24″, W. 92°04′30″.	1D/0.5N	ND–178	U	III	186	90	164
		1330 kHz						
XEAH	Juchitan, Oax., N. 16°26′33″, W. 95°01′30″.	0.5	ND–175	U	III	157	90	175
XEAJ	Saltillo, Coah., N. 25°25′00″, W. 101°00′00″.	0.5D/0.1N	ND–175	U	III	164	90	167
XEBO	Irapuato, Gto., N. 20°40′31″, W. 101°20′54″ (PO: 1 kw., DA–N, U).	5D/1N	DA–N ND–184	U	III			
XEFC	Merida, Yuc., N. 21°00′00.7″, W. 39°36′36.5″.	1	ND–188	U	III	199	90	197
XERP	Cd. Madero, Tams., N. 22°16′24″, W. 92°50′21″ (PO: 1D/0.1N, ND, U).	10D/0.1N	DA–D ND–190	U	III	185	120	187
XEUAS	Culiacan, Sin. (under construction).	5D/1N	DA–N	U	III			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEUZ	Martinez de la Torre, Ver., N. 20°03′58″, W. 97°02′36″.	1D/0.1N	ND-187.5	U	III	205	90	213
XEWQ	Monclova, Coah., N. 26°54′14″, W. 101°25′08″.	1D/0.25N	ND-193	U	III	200	120	200
		1340 kHz						
XEAA	Mexicali, B.C., N. 32°39′45″, W. 115°28′39″ (PO: 0.25, ND, U).	1D/0.25N	ND-175	U	IV	184	90	151
XEBBC	Cd. del Carmen, Camp. (under construction).	0.25	ND	U	IV			
XEBK	Nuevo Laredo, Tams., N. 27°29′43″, W. 99°30′00″.	0.25	ND-159	U	IV	148	90	115
XEBY	Tuxpan, Ver., N. 20°56′59″, W. 97°25′45″.	0.25	ND-173	U	IV	148	90	148
XECI	Acapulco, Gro., N. 16°50′06″, W. 99°55′29″.	1D/0.25N	ND-158.5	U	IV	131	90	131
XECR	Morelia, Mich., N. 19°42′13″, W. 101°06′28″.	0.25	ND-164.5	U	IV	131	120	131
XECW	Los Mochis, Sin., N. 25°46′15″, W. 108°59′50″.	1D/0.2N	ND-190	U	IV	184	180	184
XEDH	Cd. Acuna, Coah., N. 29°19′33″, W. 100°55′51″.	1D/0.25N	ND-174.5	U	IV	164	90	164
XEDKT	Guadalajara, Jal., N. 20°40′34″, W. 103°23′04″.	1D/0.25N	ND-235	U	IV	364	120	187
XEJC	Cuernavaca, Mor., N. 18°54′52″, W. 99°14′13″.	0.5D/0.25N	ND-162.5	U	IV	138	90	138
XEJK	Cd. Delicias, Chih., N. 28°11′19″, W. 105°26′09″.	1D/0.25N	ND-178	U	IV	148	90	187
XEKP	Ojinaga, Chih. (under construction).	1D/0.1N	ND	U	IV			
XELU	Cd. Serdan, Pue., N. 18°59′10″, W. 97°27′45″.	0.25	ND-189	U	IV	180	120	180
XEMA	Fresnillo, Zac., N. 23°10′32″, W. 102°53′34″.	1D/0.25N	ND-187	U	IV	171	120	184
XEMT	Matamoros, Tams., N. 25°52′03″, W. 97°30′24″ (PO: 0.25 kw., ND, U).	1D/0.25N	ND-198	U	IV	254	90	262
XENV	Monterrey, N.L., N. 20°40′11″, W. 100°18′26″.	1D/0.25N	ND-262	U	IV	433	90	295
XEOM	Coatzacoalcos, Ver., N. 18°08′35″, W. 94°24′36″.	1D/0.25N	ND-175	U	IV	139	90	180
XEOS	Cd. Obregon, Son., N. 27°29′32″, W. 109°55′46″.	0.25	ND-167	U	IV	148	90	148
XEQB	Tulancingo, Hgo., N. 20°04′58″, W. 98°22′08″.	0.25D/0.2N	ND-188	U	IV	180	120	180
XEQE	Escuinapa, Sin., N. 22°50′59″, W. 105°48′08″.	0.25D/0.2N	ND-184	U	IV	180	100	180
XERLK	Atlacomulco, Mex. (under construction).	0.5	ND	D	IV			
XERPV	Cd. Victoria, Tams., N. 23°45′08″, W. 99°08′46″.	1D/0.25N	ND-202	U	IV	246	90	233
XESL	San Luis Potosi, S.L.P., N. 22°09′10″, W. 100°58′38″.	0.5D/0.25N	ND-177	U	IV	148	180	148
XEYR	Teapa, Tab. (under construction).	0.25	ND	D	IV			
XEZE	Santiago Ixcuintla, Nay. (under construction).	0.25D/0.2N	ND	U	IV			
		1350 kHz						
XELBL	San Luis Rio Colorado, Son., N. 32°28′48″, W. 114°46′24″.	0.5	ND-176	D	III	170	120	148
XEJF	Tierra Blanca, Ver., N. 18°27′15″, W. 96°21′10″.	0.25D/0.1N	ND-179	U	III	172	90	169
XEJY	El Grullo, Jal., N. 19°48′25″, W. 104°19′30″.	1D/0.1N	ND-190	U	III	182	120	182
XEQK	Mexico, D.F., N. 19°24′00″, W. 99°08′04″.	1	ND-190	U	III	182	190	182
XETB	Torreon, Coah., N. 25°32′30″, W. 103°23′45″.	5D/0.5N	ND-190	U	III	197	120	213
XETM	Naco, Son., N. 31°19′04″, W. 109°56′47″.	1	ND-175	U	III	197	90	141
XEYS	Yajalon, Chis. (under construction).	0.5	ND	D	III			
XEZD	Cd. Camargo, Tams., N. 26°18′05″, W. 98°48′10″.	0.25	ND-178	U	III	177	90	164

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		1360 kHz						
XEAGV	Cd. Mendoza, Ver. (under construction).	0.25	ND	D	III			
XEDI	Chihuahua, Chih., N. 28°41′00″, W. 106°06′52″.	1D/0.2N	ND-214	U	III	295	120	295
XEDQ	San Andres Tuxtla, Ver., N. 18°25′17″, W. 95°12′23″.	1D/0.1N	ND-184	U	III	197	90	121-223
XEFBF	Martinez de la Torre, Ver. (under construction).	0.5D/0.1N	ND	U	III			
XEKF	Iguala, Gro., N. 18°20′59″, W. 99°32′24″.	1D/0.5N	ND-187	U	III	197	90	197
XELS	Armeria, Col. (under construction).	1D/0.1N	ND	U	III			
XEQY	Toluca, Mex., N. 19°17′04″, W. 99°40′09″.	0.5	DA-D	D	III			
XESA	Culiacan, Sin., N. 24°48′05″, W. 107°24′00″.	1D/0.5	ND-188	U	III	180	120	174
XETP	Cd. Valles, S.L.P. (under construction).	5	ND	D	III			
XEUD	Tuxtla Gutierrez, Chis. N. 16°45′06″, W. 93°07′03″ (under construction).	1D/0.5N	ND-214	U	III	297	120	180
XEUL	Progreso, Yuc., N. 21°17′15″, W. 89°40′00″.	0.25D/0.125N	ND-184	U	III	180	90	180
XEY	Celaya, Gto. N. 20°31′24″, W. 100°38′15″.	1D/0.175N	ND-190	U	III	180	120	180
	Piedras Negras, Coah. (under construction).	0.5D/0.25N	ND	U	III			
		1370 kHz						
XEA	Campeche, Camp. N. 19°50′47″, W. 90°32′04″.	1	ND-181	U	III	167	90	177
XEGNK	Nuevo Laredo, Tams. N. 27°30′20″, W. 99°30′05″.	0.25	ND-175	D	III	148	90	163
XEHF	Nogales, Son. N. 31°19′00″, W. 110°58′00″ (PO: 1 kw., ND, U).	5	ND-190	U	III	180	120	197
XEHG	Mexicali, B.C. N. 32°41′17″, W. 115°29′32″.	0.5	ND-188	D	III	171	120	410
XEJE	Dolores Hidalgo, Gto. N. 21°09′54″, W. 100°54′35″.	0.5	ND-189	D	III	197	120	164
XEMON	Monterrey, N.L. (under construction).	10	DA-N	U	III			
XEPA	Puebla, Pue., N. 18°23′15″, W. 98°19′30″ (PO: 5D/0.25N, ND,U).	5D/1N	DA-N ND-190	U	III	180	120	197
XEPJ	Tlaquepaque, Jal., N. 20°34′35″, W. 103°20′05″.	1D/0.5N	ND-175	U	III	180	90	148
XERPU	Durango, Dgo. (under construction).	1D/0.1N	ND	U	III			
	Cd. Obregon, Son. (under construction).	10D/5N	DA-N	U	III			
		1380 kHz						
XECO	Mexico, D.F., N. 19°23′52″, W. 99°07′30″.	5	ND-182	U	III	236	403	46-174
XEFAC	Salvatierra, Gto., N. 20°12′06″, W. 100°53′36″.	1	ND-180	D	III	180	120	143
XEGW	Cd. Victoria, Tams., N. 23°42′12″, W. 99°06′12″.	5D/0.15N	ND-194	U	III	200	120	197
XEKT	Tecate, B.C., N. 32°34′00″, W. 116°37′00″.	0.25D/0.1N	ND-185	U	III	169	120	167
XEKV	Villahermosa, Tab., N. 17°58′02″, W. 92°57′30″.	1D/0.5N	ND-175	U	III	161	90	161
XENSM	La Paz, B.C. (under construction).	0.25	ND	U	III			
XERS	Gomez Palacio, Dgo., N. 25°34′40″, W. 103°30′55″.	0.5D/0.25N	ND-192	U	III	187	120	180
XEYB	Cosamaloapan, Ver. (under construction).	1	DA-N	U	III			
XEZW	Cd. Hidalgo, Chis. (under construction).	1D/0.25N	ND	U	III			
	Tepic, Nay. (under construction).	1D/0.5N	ND	U	III			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		1390 kHz						
XEJI	Tehuantepec, Oax. (under construction).	2.5D/0.35N	ND	U	III			
XEOR	Reynosa, Tams., N. 26°05′45″, W. 98°17′11″.	1	ND-187	U	III	194	90	177
XEQC	Puerto Penasco, Son. (under construction).	0.5	ND	D	III			
XERW	Leon, Gto., N. 21°07′12.28″, W. 101°40′38.3.″.	1D/0.25N	ND-189	U	III	177	120	175
XETL	Tuxpan, Ver. N. 20°57′18″, W. 97°23′59″.	5D/1N	ND-194	U	III	197	120	197
XETY	Tecoman, Col. N.18° 55′00″, W. 103°53′00″.	5D/0.2N	ND-190	U	III	177	120	194
XEV	Chihuahua, Chih. (under construction).	1D/0.5N	ND	U	III			
XEXH	Mixquiahuala, Hgo. (under construction).	0.1	ND	D	III			
XEXO	Cd. Mante, Tams. (under construction).	5D/0.1N	ND	U	III			
		1400 kHz						
XEAB	Santa Ana, Son. N. 30° 30′23″, W. 110°07′00″.	1D/0.25N	ND-154	U	IV	115	90	115
XEAC	Aguascalientes, Ags. N. 21°53′00″,W. 102°17′00″.	0.5D/0.2N	ND-160	U	IV	115	120	115
XEARO	Nueva Rosita, Coah. (under construction).	1D/0.15N	ND	U	IV			
XEDE	Saltillo, Coah. N.25°26′30″,W. 100°59′28″.	0.5D/0.25N	ND-173	U	IV	154	90	154
XEEX	El Dorado, Sin., N. 24°19′12″, W. 107°22′42″.	0.25D/0.15N	ND-185	U	IV	177	90	177
XEGD	Hidalgo del Parral, Chih. N. 26°55′52″, W. 105°39′33″.	1D/0.2N	ND-186	U	IV	154	120	177
XEI	Morelia, Mich., N. 19°42′13″, W. 101°07′09″.	1D/0.25N	ND-188	U	IV	194	120	157
XEIH	Fresnillo, Zac., N. 23°11′25″, W. 102°52′55″.	0.5D/0.25N	ND-150	U	IV	109	90	109
XEKJ	Acapulco, Gro., N. 16°51′00″, W. 99°55′18″.	0.5D/0.25N	ND-172	U	IV	203	100	112
XELH	Acaponeta, Nay., N. 22°39′31″, W. 105°21′45″.	1D/0.25N	ND-179	U	IV	164	90	164
XELR	Linares, N.L. (under construction).	0.25D/0.1N	ND	U	IV			
XEPB	Hermosillo, Son., N. 20°04′49″, W. 110°57′36.5″.	0.25D/0.2N	ND-204	U	IV	244	120	244
XEPF	Ensenada, B.C., N. 31°52′40″, W. 116°37′45″.	0.2	ND-172	U	IV	176	120	115
XEPG	Veracruz, Ver. (under construction).	0.25	ND	U	IV			
XEQJ	Tamazula, Jal., N. 19°40′00″, W. 103°16′00″.	1D/0.1N	ND-190	U	IV	176	120	176
XERUY	Merida, Yuc., N. 20°59′00″, W. 89°38′00″.	1D/0.25N	ND-185	U	IV	167	120	167
XESG	Navojoa, Son. (under construction).	0.5D/0.2N	ND	U	IV			
XESH	Sabinas Hidalgo, N.L., N. 20°29′00″, W. 100°09′00″.	1D/0.25N	ND-237	U	IV	353	120	353
XETO	Tampico, Tams., N. 22°13′02″, W. 97°51′45″.	1D/0.25N	ND-185	U	IV	177	90	197
XEUBJ	Oaxaca, Oax., N. 17°03′49″, W. 96°44′10″ (PO: 0.25D/0.2N, kw.).	1D/0.2N	ND-160	U	IV	128	90	128
XEVI	San Juan del Rio, Qro., N. 20°23′15″, W. 100°00′00″.	0.5D/0.2N	ND-162	U	IV	128	100	128
XEWU	Matehuala, S.L.P., N. 23°38′51″, W. 100°38′24″.	0.25D/0.2N	ND-171	U	IV	148	90	148
XEXI	Ixtapan de la Sal, Mex., N. 18°51′03″, W. 99°41′09″.	0.25	ND-150	U	IV	108	90	108
		1410 kHz						
XEAS	Nuevo Laredo, Tams., N. 27°28′50″, W. 99°30′28″.	1D/0.25N	ND-234	U	III	341	120	328
XEBS	Mexico, D.F. N. 19°23′27″, W. 96°36′28″.	5D/1N	ND-249	U	III	377	240	345
XECF	Los Mochis, Sin. N. 24°48′00″, W. 108°57′06″.	1D/0.5N	ND-190	U	III	174	120	174
XEKB	Atemajac, Jal. N. 20°40′00″, W. 103°20′00″.	5D/0.15N	ND-202	U	III	230	120	230
XERCM	Cd. Victoria, Tams. (under construction).	1D/0.15N	ND	U	III			
XETAB	Villahermosa, Tab. N. 17°58′14″, W. 93°05′00″.	5D/0.5N	ND-175	U	III	157	90	157
XEYD	Francisco I. Madero, Coah. (under construction).	1D/0.1N	ND	U	III			
		1420 kHz						
XEEW	Matamoros, Tams. N. 25°51′38″, W. 97°28′29″. (PO: 1 kw., DA-1).	5D/2.5N	DA-2	U	III			
XEF	Cd. Juarez, Chih. N. 31°43′45″, W. 106°28′20″.	5D/0.5N	ND-215	U	III	302	90	246-348
XEGF	Gutierrez Zamora, Ver. N. 20°27′28″, W. 97°04′30″.	0.5D/0.1N	ND-215	U	III	328	90	164
XEH	Monterrey, N.L. N. 25°40′04″, W. 100°18′29″.	1	ND-190	U	III	176	120	174
XEJV	Jaltipan, Ver., N. 17°47′57″, W. 94°44′00″.	1D/0.25N	ND-175	U	III	156	90	156
XERD	Pachuca, Hgo., N. 20°07′18″, W. 98°43′54″.	0.25N/0.15N	ND-176	U	III	138	90	174
XEUP	Tizimin, Yuc., N. 21°08′30″, W. 88°09′00″.	0.5D/0.25N	ND-175	U	III	169	114	128
XEWE	Irapuato, Gto., N. 20°41′52″, W. 101°23′01″ (PO: 5D/0.175N).	10D/0.175N	ND-190	U	III	176	120	213
XEWF	Cuernavaca, Mor., N. 18°55′00″, W. 94°14′00″.	0.25	ND-175	U	III	164	90	150
XEWJ	Tehuacan, Pue., N. 18°29′30″, W. 97°27′15″.	1D/0.25N	ND-187.5	U	III	173	120	164
XEWP	Sayula, Jal. N. 19°52′00″, W. 103°35′00″.	0.5	ND-175	D	III	148	120	164
XEXX	Tijuana, B.C., N. 32°31′03″, W. 117°02′00″.	2	ND-207	U	III	253	120	286
		1430 kHz						
XEIA	Allende, Coah., (under construction).	1D/0.25N	ND	U	III			
XEIG	Iguala, Gro., N. 18°20′59″, W. 99°32′24″.	1D/0.1N	ND-189	U	III	197	90	197
XELL	Veracruz, Ver., N. 19°09′29″, W. 96°07′42″.	5D/0.25N	ND-189	U	III	177	120	164
XEOX	Cd. Obregon, Son., N. 27°29′35″, W. 109°56′00″.	5D/0.5N	ND-214	U	III	295	90	295
XERAC	Campeche, Camp., N. 19°50′47″, W. 90°32′14″.	0.25	ND-175	U	III	103	120	172
XETI	Tempoal, Ver., N. 21°31′00″, W. 98°22′00″.	0.5	ND-184	D	III	172	90	172
XETUN	San Luis Potosi, S.L.P. (under construction).	1	ND	U	III			
XEWD	Cd. Miguel Aleman, Tams., N. 26°24′20″, W. 99°05′10″.	2D/0.15N	ND-184	U	III	172	90	172
XECA	Ixtepec, Oax. (PO: 1480 kHz).	1D/0.2N	ND	U	III			
		1440 kHz						
XEEA	Cd. Camargo, Chih. (under construction).	5D/1N	ND	U	III			
XEEC	Tlapacoyan, Ver. (under construction).	0.25	ND	D	III			
XEEK	Cheran, Mich. (under construction).	1	ND	D	III			
XEHE	Zapotlanejo, Jal. (PO: 1460 kHz, Atotonilco, Jal.).	0.5D/0.1N	ND	U	III			
XEHW	Rosario, Sin., N. 23°03′53″, W. 105°50′46″.	0.25	ND-216	U	III	300	90	180
XELZ	Mexico, D.F., N. 19°24′10″, W. 99°05′08″.	5D/1N	ND-184	U	III	171	90	171
XEVSD	Villa Constitution, Terr. B.C., N. 25°35′00″, W. 111°45′00″.	1D/0.15N	ND-190	U	III	171	120	171
	Parras, Coah. (under construction).	5	ND	D	III			

Call letters	Location	Power kw	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		1450 kHz						
XECB	San Luis Rio Colorado, Son., N. 32°28′48″, W. 114°46′24″.	0.25	ND-186	U	IV	148	120	169
XECM	Cd. Mante, Tams., N. 22°48′45″, W. 98°56′45″.	1D/0.25N	ND-186	U	IV	157	120	164
XEDJ	Magdalena, Son., N. 30°35′10″, W. 110°00′20″.	0.25D/0.1N	ND-183	U	IV	164	90	230
XEFK	Torreon, Coah. (under construction).	1D/0.25N	ND	U	IV			
XEGC	Sahuayo, Mich., N. 20°04′00″, W. 102°43′00″.	1D/0.25N	ND-184	U	IV	170	90	170
XEIN	Cintalapa, Chis. (under construction).	1D/0.2N	ND	U	IV			
XEJD	Poza Rica, Ver., N. 20°29′37″, W. 97°24′45″.	1D/0.25N	ND-200	U	IV	216	120	216
XEJM	Monterrey, N.L., N. 25°39′29″, W. 100°19′30″.	0.5D/0.25N	ND-170	U	IV	171	90	102
XEJTF	Zacoalco, Jal., N. 20°13′14″, W. 103°34′20″.	0.25	ND-175	U	IV	161	90	148
XEKM	Minatitlan, Ver., N. 17°57′52″, W. 94°31′56″ (PO: 0.25 kw., ND, U).	0.5N/0.25N	ND-178	U	IV	144	90	171
XENA	Queretaro, Qro., N. 20°35′35″, W. 100°23′12″.	1D/0.5N	ND-193	U	IV	183	120	197
XEPP	Orizaba, Ver., N. 18°50′57″, W. 97°07′05″. (PO: 0.25, ND, U).	1D/0.25N	ND-190	U	IV	171	120	180
XEPY	Merida, Yuc., N. 20°58′30″, W. 89°37′20″.	0.25	ND-174	U	IV	151	90	151
XEQU	Ojinaga, Chih. (under construction).	1D/0.25N	ND	U	IV			
XESS	Ensenada, B.C., N. 31°52′30″, W. 116°36′20″ (PO: 0.25D/0.2N).	1D/0.2N	ND-183	U	IV	169	90	164
XETD	Tecuala, Nay., N. 22°24′11″, W. 105°27′32″.	0.25	ND-160	U	IV	115	90	115
XEVH	Valle Hermoso, Tams., N. 25°48′45″, W. 97°49′30″.	1D/0.25N	ND-191.5	U	IV	177	120	177
XEXD	Atlixco, Pue., N. 18°54′34″, W. 98°26′22″.	0.5D/0.25N	ND-176	U	IV	157	90	157
XEYZ	Aguascalientes, Ags., N. 21°52′55″, W. 102°18′19″.	0.1	ND-150	U	IV	102	90	102
XEZC	Rio Grande, Zac., N. 23°52′30″, W. 103°02′00″.	0.25	ND-173.5	U	IV	154	90	148
		1460 kHz						
XEHE	Atotonilco el Alto, Jal., N. 20°32′30″, W. 102°30′50″ (see 1404 kHz).	0.25	ND-180.5	D	III	160	90	160
XEHX	Cd. Obregon, Son., N. 27°29′35″, W. 109°58′00″.	1D/0.25N	ND-192	U	III	179	120	179
XEJH	Jalapa, Ver. (under construction).	0.5	ND	D	III			
XEJT	Altamira, Tams., N. 22°30′40″, W. 97°55′47″ (PO: 1 kw., ND, U).	5D/1N	DA-D ND-190	U	III	169	120	197
XELX	Zitacuaro, Mich., N. 19°26′21″ W. 100°20′20″.	10	DA-N	U	III			
XEPD	Nueva Rosita, Coah. (under construction).	1	ND	D	III			
XEUJ	Cd. del Carmen, Camp. (under construction).	0.25	ND	U	III			
XEXQ	San Luis Potosi, S.L.P., N. 22°09′10″, W. 100°58′15″.	0.25	ND-175	U	III	164	90	143
XEYC	Cd. Juarez, Chih., N. 31°44′45″, W. 106°26′28″.	1	ND-222	U	III	315	90	184
		1470 kHz						
XEACE	Mazatlan, Sin. (under construction).	1	ND	D	III			
XEAY	Parras, Coah. (under construction).	1D/0.25N	ND	U	III			
XEBBC	Tijuana, B.C. N. 32°28′58″, W. 116°56′30″.	5	ND-208	U	III	246	120	167
XECU	Los Mochis, Sin., N. 25°44′20″, W. 109°02′43″.	0.25	ND-184	U	III	167	90	167
XEDS	Colima, Col. N. 19°14′27″, W. 103°42′47″.	1D/0.2N	ND-202	U	III	223	120	223
XEHI	Cd. Miguel Aleman, Tams. N. 26°20′20″, W. 99°05′55″.	1D/0.25N	ND-196.5	U	III	197	120	1643-21
XELOM	Loma Bonita, Oax. (under construction).	5	DA-N	U	III			
XEND	Durango, Dgo. N. 24°02′52″, W. 104°39′20″.	0.35	ND-175	U	III	148	100	151
XEQS	Fresnillo, Zac. (under construction).	1	ND	D	III			
XESM	Mexico, D.F. N. 19°20′05″, W. 99°05′23″.	10D/5N	ND-192	U	III	180	120	164
XEYA	Irapuato, Gto. N. 20°42′04″, W. 101°20′24″.	1	ND-196	D	III	228	120	194
		1480 kHz						
XECA	Cd. Ixtepec, Oax. N. 16°33′30″, W. 95°07′50″. (see 1430 kHz).	5D/0.25N	ND-175	U	III	148	90	153
XEGX	San Luis de la Paz, Gto. N. 27°17′00″, W. 100°32′00″.	0.5D/0.1N	ND-188	U	III	164	120	164
XEHM	Cd. Delicias, Chih. N. 28°11′00″, W. 105°27′30″.	1	ND-191.5	D	III	174	120	174
XEMC	Salvatierra, Gto., (under construction).	0.25	ND	D	III			
XEMCA	Cd. Morelos, B.C., (under construction).	0.5D/0.1N	ND	U	III			
XENS	Navojoa, Son., N. 27°04′12″, W. 109°27′30″ (PO: 0.5 kw., ND, D).	1	DA-N ND-175	U	III	150	90	150
XEOU	Huajuapan de Leon, Oax., N. 17°48′25″, W. 97°47′10″.	0.5	ND-178	D	III	138	90	167
XEPR	Poza Rica, Ver., N. 20°29′37″, W. 97°24′55″.	10D/0.5N	ND-201	U	III	216	120	216
XETKR	Villa de Guadalupe, N.L., N. 25°43′00″, W. 100°19′00″.	1D/0.5N	ND-180	U	III	243	90	100
XEXC	Taxco, Gro., (PO: 1270 kHz).	1D/0.125N	ND	U	III			
XEXU	Villa Frontera, Coah., (under construction).	1	ND	D	III			
XEZJ	Zapopan, Jal., N. 20°40′34″, W. 103°23′12″.	0.25D/0.2N	ND	U	III	150	90	150
		1490 kHz						
XEAQ	Agua Prieta, Son., N. 31°17′35″, W. 109°32′28″.	1D/0.25N	ND-172	U	IV	180	90	115
XECH	Toluca, Mex., N. 19°17′25″, W. 99°39′37″.	0.25	ND-170	U	IV	157	90	125
XECJC	Cd. Juarez, Chih., (under construction).	1D/0.25N	ND	U	IV			
XEDG	Chihuahua, Chih., (under construction).	1D/0.25N	ND	U	IV			
XEDR	Guaymas, Son., N. 27°55′18″, W. 110°58′02″	1D/0.25N	ND-188	U	IV	156	120	164
XEED	Ameca, Jal., N. 20°31′00″, W. 104°03′00″.	1D/0.25N	ND-180	U	IV	156	120	138
XEFF	Matehuala, S.L.P., N. 23°38′41″, W. 100°38′26″.	1D/0.25N	ND-170	U	IV	102	90	164
XEGG	Cd. Mante, Tams. (under construction).	0.25D/0.1N	ND	U	IV			
XEGT	Zamora, Mich., N. 19°59′14″, W. 102°15′12″.	1D/0.25N	ND-250	U	IV	358	120	328
XEIB	Todos Santos, B.C. (under construction).	0.25	ND	U	IV			
XEJR	Hidalgo del Parral, Chih. (under construction).	1D/0.2N	ND	U	IV			
XEKN	Huetamo, Mich., N. 18°34′36″, W. 100°53′06″.	0.25	ND-160.5	U	IV	118	120	102
XEME	Merida, Yuc. (under construction).	1D/0.5N	ND	U	IV			
XEMK	Huixtla, Chis., N. 15°09′12″, W. 97°27′27″.	0.5D/0.2N	ND-166	U	IV	118	100	131
XEMS	Matamoros, Tams. N. 25°52′43″, W. 97°31′09″.	1D/0.25N	ND-186.5	U	IV	177	90	177
XERO	Aguascalientes, Ags. N. 21°52′49″, W. 102°18′05″.	0.25	ND-172.5	U	IV	141	90	125
XESK	Ruiz, Nay., N. 21°59′45″, W. 105°02′30″.	0.25D/0.2N	ND-180	U	IV	157	120	139
XEVP	Guasave, Sin. (under construction).	0.5D/0.2N	ND	U	IV			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEVZ	Acayucan, Ver. N. 17°56′30″, W. 94°58′05″.	0.25D/0.2N	ND-155.5	U	IV	98	90	119
XEXE	Queretaro, Qro. N. 20°35′24″, W. 100°22′48″.	1D/0.2N	ND-175.5	U	IV	148	90	148
XEYT	Teocelo, Ver., N. 19°23′05″, W. 96°57′45″.	0.25D/0.1N	ND-172.5	U	IV	141	90	125
XEZV	Puebla, Pue. (under construction).	0.25	ND	U	IV			
		1500 kHz						
XEEP	Ensenada, B.C. (under construction).	0.5	ND	D	II			
XEFL	Guanajuato, Gto., N. 21°00′32″, W. 101°15′43″ (under construction).	0.25	ND-173	D	II	131	120	131
XEJQ	Parras de la Fuente, Coah., N. 25°37′35″, W. 102°09′00″.	0.25	ND-167	D	II	177	90	98
XERH	Mexico, D.F., N. 19°23′41″, W. 99°07′59″.	20	DA-N	U	II			
XEUV	Villahermosa, Tab. (under construction).	0.25	ND	U	II			
		1510 kHz						
XEJPM	Cardel, Ver. (under construction).	0.5	ND	D	II			
XEKI	Villa de Seris, Son. (under construction).	0.25	ND	D	II			
XELW	Cd. Guzman, Jal., N. 19°42′13″, W. 103°27′53″.	0.5	ND-175	D	II	141	90	135
XEOF	Cortazar, Gto., N. 20°30′48″, W. 100°59′55″.	0.25	ND-181	D	II	157	120	140
XEQI	Monterrey, N.L. (under construction).	0.5	ND	D	II			
XEYQ	Fresnillo, Zac. (under construction).	1	ND	D	II			
		1520 kHz						
XEACC	Cd. Camargo, Chih. (under construction).	1	ND	D	II			
XAETP	Tehuacan, Pue. (under construction).	0.25	ND	U	II			
XEEG	Panzacola, Tlax., N. 19°08′30″, W. 98°12′00″.	0.5	DA-D	D	II			
XEEH	San Luis Rio Colorado, Son. (under construction).	1	ND	D	II			
XEVO	San Rafael, Ver., N. 20°11′42″, W. 96°51′58″.	0.25	ND-175	D	II	138	90	136
XEVU	Mazatlan, Sin. (under construction).	0.5	ND	D	II			
XEVUC	Villa Union, Coah. (under construction).	1	ND	D	II			
XEYP	El Limon, Tams., N. 22°50′00″, W. 99°00′00″.	1	ND-191	D	II	164	120	167
XEZQ	Huimanguillo, Tab., N. 17°51′45″, W. 93°28′37″.	1D/0.1N	ND-187	U	II	148	120	162
		1530 kHz						
XEEF	Compostela, Nay. (under construction).	1	ND	D	II			
XESD	Silao, Gto., N. 20°56′40″, W. 101°25′59″.	1D/0.1N	ND-170	U	II	141	90	129
XEUR	Texcoco, Mex., N. 19°25′45″, W. 98°56′57″.	5	DA-1	U	II			
XEXY	Altamirano, Gro., N. 18°18′36″, W. 100°40′45″.	0.5	ND-193	D	II	177	120	161
		1540 kHz						
XENC	Celaya, Gto., N , 20°31′15″, W. 100°39′50″.	1D/0.25N	ND-190	U	II	157	120	160
XENJ	San Juan de los Lagos, Jal., N. 21°15′00″, W. 102°19′21″.	1	ND-175	D	II	121	90	159
XEQN	Hermosillo, Son. (under construction).	5	ND	U	II			
XEVF	Villa Flores, Chis., N. 16°13′12″, W. 93°15′00″.	0.5	ND-191	D	II	197	90	159
		1550 kHz						
XEBG	Tijuana, B.C., N. 32°30′45″, W. 117°01′06″.	1	ND-202	U	II	213	120	213
XEDV	El Oro, Mex., N. 19°49′33″, W. 100°08′01″.	0.25	ND-181	D	II	148	90	159
XENU	Nuevo Laredo, Tams., N. 27°30′28″, W. 99°32′55″ (PO: 5 kw., D, ND).	50D/1N	DA-N ND-184	U	II	159	90	164
XEXB	Jalapa, Ver (under construction).	10	ND	I-B				
		1560 kHz						
XEDD	Montemorelos, N.L. (under construction).	0.5	ND	D	II			
XEJPV	Zaragoza, Chih., N. 27°27′40″, W. 105°48′35″.	1	ND-192.5	D	II	174	120	157
XEOEC	Panzacola, Tlax. (under construction).	1	DA-D	D	II			
XEQZ	Cd. Cuauhtemoc, Chih. (under construction).	5D/2N	ND	U	II			
XERX	Salamanca, Gto., N. 20°34′03″, W. 101°13′00″.	1D/0.25N	ND-182	U	II	148	90	164
XESE	Champoton, Camp. N. 19°21′09″, W. 90°42′50″.	5	ND-190	D	II	158	120	158
XEVIP	San Rafael Chamapa, Mex., N. 19°30′00″, W. 99°13′03″.	10	DA-N	U	II			
		1570 kHz						
XERF	Cd. Acuna, Coah., N. 29°13′55″, W. 100°53′07″.	250	ND-246	U	I-A	331	120	328
		1580 kHz						
XEAF	Apaseo el Grande, Gto. (under construction).	1	ND	D	II			
XEDM	Hermosillo, Son., N. 29°02′32″, W. 110°57′00″.	50	ND-223	U	II	277	180	156
XEGOL	Campeche, Camp. (under construction).	0.25D/0.15N	ND	U	II			
XELI	Chilpancingo, Gro., N. 17°32′09.7″ W. 99°29′23.6″	1D/0.25N	ND-190	U	II	157	120	156
XENQ	Tulancingo, Hgo., N. 20°05′15″, W. 98°24′18″.	5D/0.5N	ND-184	U	II	156	90	164
XEQL	Zamora, Mich., N. 19°59′14″, W. 102°16′12″.	1D/0.1N	ND-192.5	U	II	167	120	164
XEUY	Las Choapas, Ver. (under construction).	0.25D/0.1N	ND	U	II			
		1590 kHz						
XEMB	Monterrey, N.L. (under construction).	5	DA-N	U	III			
XEART	Zacatepec, Mor. (under construction).	1	DA-2	U	III			
XEBZ	Meoqui, Chih., N. 28°16′36″, W. 105°29′16″.	1	ND-192	D	III	164	120	216
XEKC	Mexicali, B.C. (under construction).	10	ND	D	III			
XENMB	Valladolid, Yuc. (under construction).	10	ND	D	III			
XEPT	Misantla, Ver., N. 19°56′02″, W. 96°54′24″.	1D/0.1N	ND-179	U	III	131	90	164
XEVOZ	Mexico, D.F., N. 19°23′05″, W. 99°17′09″.	10D/5N	ND-175	U	III	125	90	149
	Ensenada, B.C. (under construction).	1	ND	U	III			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		1600 kHz						
XEACG	Acapulco, Gro. (under construction).	0.5	ND	U	III			
XEAE	Cd. Acuna, Coah., N. 29°18'20", W. 100°55'40".	5	ND-191	U	III	184	90	154
XEAK	Acambaro, Gto. (under construction).	0.5D/0.2N	ND	U	III			
XEPE	Nogales, Son. (under construction).	1	ND	D	III			
XEQA	Autlan de Navarro, Jal. (under construction).	1	ND	D	III			
XEQT	Veracruz, Ver., N. 19°11'12", W. 96°08'06.6".	0.25	ND-175	U	III	154	90	126
XERCP	Purueparo, Mich. (under construction).	0.2	ND	D	III			
XERTP	San Martin Texmelucan, Pue., N. 19°16'59", W. 98°25'59".	0.5	ND-175	D	III	138	90	138
XEZA	Topolobampo, Sin. (under construction).	1D/0.2N	ND	U	III			
XEZK	Tepatitlan, Jal., N. 20°50'37", W. 102°42'10".	1D/0.25N	ND-182	U	III	154	120	131

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-4754 Filed 3-31-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-226]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 24, 1972.

Take notice that on March 17, 1972, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72-226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to exchange natural gas with Phillips Petroleum Co. (Phillips) and to operate existing facilities in order to effectuate such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange gas with Phillips in accordance with an exchange agreement entered into between applicant and Phillips on February 15, 1972. Under this agreement, Phillips will commence delivering to applicant sometime prior to May 1, 1972, up to 10,000 Mcf of gas per day (but not more than a total volume of 1,000,000 Mcf) at an existing point of interconnection between the facilities of applicant and Phillips at the Chocolate Bayou Plant, Brazoria County, Tex. Deliveries from Phillips to applicant will cease May 1, 1972. Applicant will redeliver thermally equivalent volumes to Phillips during the period June through September 1972 at the Chocolate Bayou delivery point.

Applicant states that the proposed exchange will be beneficial to it in that it will enable applicant to secure additional volumes of gas needed to meet system requirements during the current heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4993 Filed 3-31-72;8:45 am]

[Project 2197]

YADKIN, INC.

Notice of Application for Change in Land Rights

MARCH 24, 1972.

Public notice is hereby given that application for approval of the conveyance of project property to Duke Power Co., for use as a right-of-way for construction of transmission lines, has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Yadkin, Inc. (correspondence to Leboeuf, Lamb, Leiby, and McRae, attorneys for Yadkin, Inc., 1 Chase Manhattan Plaza, New York, NY 10005), in Project No. 2197, located on the lower stretch of the Yadkin—Pee Dee River, in Stanly, Montgomery, Davidson, and Rowan Counties, N.C. The project land to be conveyed is in Rowan and Davidson Counties, near the cities of Salisbury, Lexington, Kannapolis, High Point, and Thomasville.

The application seeks Commission approval of a proposed conveyance of a 200-foot wide right-of-way for construction of transmission lines. There would be 10 reservoir crossings in the reservoir headwaters of the High Rock Development (Project No. 2197), ranging in length from 45 to 1,150 feet. Applicant proposes to convey 10 strips of land, totalling 4,392 feet in length, and all within the project boundary which is the 624-foot (M.S.L.) contour.

Duke Power Co.'s construction on the right-of-way would be portions of its proposed 85-mile long McGuire to Pleasant Garden 500 kv. transmission line. No towers or structures would be located within the project boundaries and only the transmission lines would be over project lands and waters. The lines would have a minimum vertical clearance over project waters of 49.5 feet.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4994 Filed 3-31-72;8:45 am]

[Project 2411–Virginia]

DAN RIVER, INC.

Notice of Availability of Environmental Statement for Inspection

MARCH 30, 1972.

Notice is hereby given that on December 7, 1971, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for major license filed pursuant to the Federal Power Act for the constructed Schoolfield Project No. 2411, located on the Dan River in the city of Danville, Va.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project is a run-of-river development consisting of a low concrete gravity dam topped by flashboards, creating a pond extending about 3,000 feet upstream, and an intake structure integral with a powerhouse having an installed capacity of 5,300 kw.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from April 7, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5155 Filed 3–31–72;10:10 am]

[Docket No. E–7716]

IOWA-ILLINOIS GAS & ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

MARCH 30, 1972.

Take notice that Iowa-Illinois Gas & Electric Co. on March 13, 1972, tendered for filing proposed changes in its electric service rates to the Sherrard Power System, Orion, Ill. The proposed changes would increase by $169,974 the annual revenues from sales and service to Sherrard Power System. The proposed rate change is described in the company's transmitted letter as follows:

The demand rate steps on Original Sheet 1 were increased by 30 cents, 20 cents, and 20 cents per kilowatt, respectively. The energy steps on Original Sheet 1A were increased by 0.09 cent and 0.06 cent per kilowatt-hour, respectively. These rate revisions, together with the cancellation of the 3 percent gross receipts discount per Original Sheet 2, increase revenue about 15.8 percent for the 1971 test period. No substantive changes were made on Original Sheet 1B.

Since the present rate to Sherrard Power System was established in 1966 and subsequently reduced in 1967, our operating income related to our property has declined to a level which provides an inadequate return. Despite our efforts to combat increasing costs, the return is inadequate to permit the financing required to continue the expenditures that must be made to properly serve the growing needs of our customers.

It is essential in the interest of preserving the financial integrity of the Company that its revenues and operating income be adequate to meet the operating expenses necessary to provide good electric service and to attract the additional capital required. We believe that the proposed increase in rates is reasonable and necessary to accomplish this result.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing have been served on the parties of interest.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5154 Filed 3–31–72;10:10 am]

[Project 2545]

WASHINGTON WATER POWER CO.

Notice of Availability of Environmental Statement for Inspection

MARCH 30, 1972.

Notice is hereby given that on March 31, 1972, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act by The Washington Water Power Co. for constructed hydroelectric Spokane River Project No. 2545.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project, which consists of the Upper Falls, the Monroe Street, the Nine Mile and the Long Lake developments having installed capacities of 10 mw., 7.2 mw., 12 mw., and 70 mw., respectively, is located in the city of Spokane and in Spokane, Stevens, and Lincoln Counties, Wash., on the Spokane River. The application was amended to provide for the reconstruction of the Monroe Street Plant prior to opening of the Spokane International Exposition of 1974.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from March 31, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5156 Filed 3–31–72;10:10 am]

FEDERAL RESERVE SYSTEM

FIRST COMMERCIAL BANKS, INC.

Acquisition of Bank

First Commercial Banks, Inc., Albany, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Kingston Trust Co., Kingston, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 21, 1972.

Board of Governors of the Federal Reserve System, March 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72–5013 Filed 3–31–72;8:47 am]

SUBURBAN BANCORPORATION

Formation of One-Bank Holding Company

Suburban Bancorporation, Hyattsville, Md., has applied for the Board's approval

under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Suburban Trust Company, Hyattsville, Md. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than April 21, 1972.

Board of Governors of the Federal Reserve System, March 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5015 Filed 3-31-72;8:47 am]

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of Manufacturers and Mechanics Bank, Kansas City, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 21, 1972.

Board of Governors of the Federal Reserve System, March 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5014 Filed 3-31-72;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

WASHINGTON

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 24, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Washington from heavy rains and flooding, beginning about February 13, 1972, are of sufficient 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 Washington. 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. Creath A. Tooley, Regional Director, OEP Region 10, 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 areas in the State of Washington to have been adversely affected by this declared major disaster:

The Counties of:

King. Thurston.
Pierce.

Dated: March 29, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-4997 Filed 3-31-72;8:45 am]

PRICE COMMISSION

QUARTERLY REPORTS BY INSURERS

Postponement of Time for Filing

Section 300.20(h) of the regulations of the Price Commission requires each insurer that had annual revenues of $50 million or more during the calendar year preceding any rate increase proposed by it to file a quarterly report with the Price Commission at the time the insurer normally releases its quarterly reports, but not later than 45 days after the end of the quarter, of each rate increase by it during that quarter that affects $250,000 or more in aggregate annualized premiums under the existing rate. The report is required to be made on a form prescribed by the Price Commission.

The required form is in the process of development but may not be ready for use by the time the reports are due. Therefore the Price Commission is temporarily postponing the due date for such reports until the forms have been distributed. Notice will be published when they are available so that the required reports may be made. The Commission emphasizes that this action is a postponement of the due date and not a cancellation of the requirement.

Issued in Washington, D.C., on March 30, 1972.

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

[FR Doc.72-5131 Filed 3-31-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5175]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Short-Term Notes in and Exception From Competitive Bidding Requirements

MARCH 27, 1972.

Notice is hereby given that the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, DE 19807 (Columbia), 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) thereof and Rule 50(a) 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.

Columbia requests that the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof, relating to the issue and sale of short-term notes, be increased through May 31, 1973, from 5 percent to approximately 16 percent of the principal amount and par value of the other securities of Columbia then outstanding in order to permit Columbia to have outstanding up to $195 million principal amount of proposed short-term notes, consisting of bank notes and commercial paper. Generally, Columbia will make the proceeds from the sale of these notes available to its subsidiary companies for construction, for the purchase of underground storage gas during the summer months, for other miscellaneous inventories and for other short-term seasonal requirements, in accordance with the terms of another filing with this Commission (File No. 70-5176).

Columbia proposes to issue and sell, from time to time, short-term notes in the form of commercial paper and notes to banks, in an aggregate amount not exceeding $195 million at any one time outstanding.

It is Columbia's intention to issue and sell commercial paper to one or more dealers therein, and continue to do so as long as the effective interest rate is less than the effective interest cost which Columbia would have to pay to banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 60 days from the date of issue with an effective interest cost in excess of such effective interest cost on bank borrowings.

The commercial paper will be in the form of promissory notes with maturities not to exceed 270 days, and will not be prepayable prior to maturity. The actual maturities will be determined by market

conditions, effective interest cost to Columbia, and Columbia's anticipated cash requirements at the time of issue. The commercial paper notes will be issued in denominations of not less than $50,000 and not more than $1 million, and will be sold at a discount which will be not in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of the particular maturity.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. Each dealer, as principal, will reoffer such notes at a discount rate of one-eighth of 1 percent per annum less than the discount rate to Columbia. The reoffering will be made to not more than an aggregate of 200 customers of the dealers, such customers to be identified and designated in lists (nonpublic) prepared in advance. No additions will be made to the customer lists, which will consist of institutional investors. It is expected that Columbia's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, the applicable dealer, pursuant to a repurchase agreement, will repurchase the notes and reoffer the same to others in its specified group of customers.

Columbia requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. In support of this request, Columbia states that the proposed commercial paper notes will have a maturity of 9 months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Columbia are published daily in financial publications.

Columbia proposes that up to $85 million of the aforesaid commercial paper will be converted into inventory bank loans on or before November 1, 1972, and Columbia intends to secure credit lines from a group of 31 banks in a maximum aggregate amount of $85 million, borrowings thereunder to be repaid at or before the maturity date thereof, May 1, 1973, with cash generated from operations. The bank loans will bear interest at the minimum commercial lending rate in effect from time to time at Morgan Guaranty Trust Co. of New York, and will be prepayable, in whole or in part, at any time without penalty.

It is stated that although banks have not required that Columbia maintain minimum compensating balances, it has been a policy of Columbia to maintain bank balances which on an annual basis are somewhat in excess of 20 percent of its average annual loans. On this basis, the effective cost of the bank borrowings (based on the current prime rate of 4¾ percent) would be 5.94 percent per annum.

The proposed transactions represent interim financing of the Columbia System's requirements. Columbia states that, subject to market conditions, it expects to sell $160 million of long-term securities later in 1972; this would be the subject of a future filing or filings with the Commission.

The fees and expenses to be paid by Columbia in connection with the proposed transactions are estimated at $2,800. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than 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 Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5018 Filed 3-31-72;8:47 am]

[File No. 500-1]

FIRST FIDELITY CO.

Order Suspending Trading

MARCH 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of First Fidelity Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. on March 27, 1972, through April 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5017 Filed 3-31-72;8:47 am]

[File No. 7-4118]

JEANNETTE CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 27, 1972.

In the matter of application of the Philadelphia-Baltimore-Washington 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:

Jeannette Corp., File No. 7-4118.

Upon receipt of a request, on or before April 11, 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.72-5019 Filed 3-31-72;8:47 am]

SELECTIVE SERVICE SYSTEM

ORGANIZATION AND SOURCES OF INFORMATION

Pursuant to 5 U.S.C. 552 the following description of the central and field organization of the Selective Service System, the established places at which the public may obtain information, and the general course and methods by which its functions are channeled and determined is published for the guidance of the public.

Creation and authority. The Selective Service System was established by the Military Selective Service Act (62 Stat. 604 as amended; 50 U.S.C. App. 451-471).

The Military Selective Service Act requires the registration of male citizens of the United States and all other male persons except certain alien nonimmigrants and alien medical, dental, or allied specialists who are in the United States who are between the ages

of 18 and 26 years. (Alien medical, dental, or allied specialists are liable to register until age 35 years.) The act imposes liability for training and service in the Armed Forces upon registrants who are between the ages of 18 years and 6 months and 26 years except that aliens are not liable for training and service until they have remainded in the United States for more than 1 year. Some persons who have been deferred remain liable for training and service until age 35. Persons in a medical, dental, or allied specialist category who enter the United States after age 26 are liable for training and service until age 35. Conscientious objectors who are found to be opposed to any service in the Armed Forces are required to perform civilian work in lieu of induction into the Armed Forces.

The President is authorized prior to July 1, 1973, to select and induct into the Armed Forces not more than 140,000 persons as may be required to maintain the strengths of the forces in the fiscal year ending June 30, 1973, and also to provide for the selection and induction into the Armed Forces of persons qualified in needed medical, dental, or allied specialist categories pursuant to special requisitions submitted by the Secretary of Defense.

The act exempts members of the active Armed Forces and foreign diplomatic and consular personnel from registration and liability for training and service. Likewise exempted are categories of aliens, as specified by the President, who are not admitted to the United States for permanent residence. Other exemptions or deferments from training and service are provided by the act, and the President is authorized to provide, by rules and regulations, for deferments involving occupations, some kinds of study, dependency and fitness.

The President by Executive Order 11623 has delegated to the Director of Selective Service authority, subject to certain restrictions, to issue regulations to carry out the Military Selective Service Act.

Pursuant to the provisions of section 672(a) of title 10 of the United States Code (72 Stat. 1440), the Director of Selective Service determines the availability of members of the Standby Reserve of the Armed Forces for order to active duty in time of war or national emergency declared by Congress.

Purpose. The purpose of the Selective Service System is to supply the Armed Forces manpower adequate to insure the security of the United States, with concomitant regard for the maintenance of an effective national economy.

ORGANIZATION AND ACTIVITIES

Director of Selective Service. The Selective Service System is headed by the Director of Selective Service, who is appointed by the President with the consent of the Senate. The Director is responsible directly to the President for carrying out the functions of the System. The Director decides appeals from the determinations of appeal boards as to the availability of members of the Standby Reserve for order to active duty.

National Headquarters. The National Headquarters functions under the supervision of the Director and assists him. The operations of the Selective Service System are largely decentralized.

State headquarters. Each State headquarters is headed by a State director of Selective Service, who is appointed by the Director in the name of the President upon recommendation of the Governor. The State director is responsible for carrying out the functions of the Selective Service System within his area of jurisdiction. He is responsible to the Director of Selective Service for the coordination and supervision of the activities of the local boards, appeal boards, and other selective service agencies under its jurisdiction.

Local boards. At least one local board has been established in each county or political subdivision corresponding thereto except where, upon recommendation of the respective Governors, intercounty local boards have been established for areas not exceeding five counties. A local board consists of three or more civilian members, residents of a county in the local board area, who are appointed by the President upon recommendation of the Governor and serve without compensation. A special local board, with jurisdiction over all persons registered who do not have a place of residence within the United States has been established in the District of Columbia.

Each local board has the power to determine all questions or claims with respect to inclusion for, or exemption or deferment from, training and service of all men registered in, or subject to registration in, the local board area. The decisions of a local board are final, except where an appeal to an appeal board is authorized and is taken. Each local board is responsible for the registration, examination, classification, selection, delivery to the Armed Forces for induction, ordering to perform civilian work in lieu of induction, and maintenance of the records of men who are required to register and who are within its area of jurisdiction.

Appeal boards. Appeal boards have been established for each Federal judicial district in each of the States and in Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Members of appeal boards are civilians resident in the appeal board area and are appointed by the President upon recommendation of the Governor and serve without compensation. The functions of an appeal board are to decide anew the cases of registrants and members of the Standby Reserve appealed to it.

National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists. The National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists is located at National Headquarters. The members of this committee are appointed by the President. The functions of the National Committee are to advise the Director of Selective Service and to coordinate the work of State and local volunteer advisory committees established to cooperate with the National Committee, with respect to the availability of needed medical, dental, and allied specialists categories of persons for service in the Armed Forces. The National Committee is independent of the Selective Service System.

SOURCES OF INFORMATION

Publications. The following are examples of Selective Service publications available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402: Registrants Processing Manual, and Curriculum Guide to the Draft. Selective Service Regulations appear in Chapter XVI of Title 32, Code of Federal Regulations.

The following are available from the Public Information Office, Selective Service System: Perspective on the Draft; Hardship Deferment; Conscientious Objector; It's Your Choice; Lottery and Class 1–H; The Draft; Past, Present and Future; Doctors Draft; and Aliens.

Employment. Inquiries and application should be directed to the Director, Selective Service System, Attention: AP, 1724 F Street NW., Washington, DC 20435.

Procurement. Inquiries should be directed to Director, Selective Service System, Attention: AAPB, 1724 F Street NW., Washington, DC 20435.

For further information including names of State Directors and addresses of State Headquarters, contact the Office of Public Information, Selective Service System, 1724 F Street NW., Washington, DC 20435.

Approved: March 29, 1972.

CURTIS W. TARR,
Director of Selective Service.

[FR Doc.72–5024 Filed 3–31–72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 29, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–F–11170, Hyman Freightways, Inc.—Control—Tri-D Truck Line, Inc., continued to May 1, 1972, at St. Paul, Minn., in a hearing room to be later designated.

MC–F–11364, Snyder Bros. Motor Freight, Inc.—Control—Bush Van Lines, Inc., and MC 120659 Sub 2, Bush Van Lines, Inc., assigned April 17, 1972, MC 14702 Sub 35, Ohio Fast Freight, Inc., assigned April 24, 1972, and MC 128273 Sub 107, Midwestern Express, Inc., assigned April 19, 1972, will be held in Room 4 State Office Building, 65 South Front Street, Columbus, OH.

FD 26747, Baltimore & Ohio Railroad Co. Abandonment between National Road and Shawnee, in Licking and Perry Counties, Ohio, now assigned April 27, 1972, at Newark, Ohio, will be held in Chamber of Commerce Room, Masonic Temple Building, 36 West Church Street.

MC 133436 Sub 14, Dudden Elevator, Inc., assigned for hearing May 3, 1972, at Chicago, Ill., in a hearing room to be later designated.

FD 27022, The Colorado & Wyoming Railway Co. Construction and operation, Pueblo County, Colo., now being assigned hearing May 8, 1972, at Pueblo, Colo., in a hearing room to be later designated.

MC 112822 Sub 199, Bray Lines, Inc., now being assigned continued hearing May 4, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 216, Jenkins Truck Line, Inc., now assigned May 3, 1972, at Chicago, Ill., is postponed indefinitely.

MC–C–7276, Manhattan Transit Co.-V-National Ski Tours, Inc., et al., now assigned for continued hearing May 8, 1972, at Washington, D.C., postponed to May 17, 1972, same time and place.

MC 18088 Sub 54, Floyd & Beasley Transfer Co., Inc., MC 35320 Sub 127, T.I.M.E.-DC, Inc., MC 41432 Sub 116, East Texas Motor Freight Lines, Inc., MC 61788 Sub 28, Georgia-Florida-Alabama Transportation Co., MC 65697 Sub 46, Theatres Service Co., MC 105881 Sub 46, M R & R Trucking Co., and MC 113528 Sub 19, Mercury Freight Lines, Inc., now being assigned for continued hearing May 15, 1972, in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, Ga.

MC 101186 Sub 11, Arledge Transfer, Inc., now being assigned hearing May 8, 1972, at Des Moines, Iowa, in a hearing room to be later designated.

MC 1977 Sub 14, Northwest Transport Service, Inc., now being assigned hearing May 8, 1972, at Denver, Colo., in a hearing room to be later designated.

MC 135602, Road Hog, Inc., now being assigned hearing May 8, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 15770 Sub 3, Calore Freight System, Inc., now being assigned hearing May 10, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125066 Sub 10, M. I. Loker and Pauline Loker—Extension—New York Route, now being assigned hearing May 15, 1972, at Erie, Pa., in a hearing room to be later designated.

MC 99902 Sub 4, Dave's Motor Transportation, Inc., now being assigned hearing May 31, 1972, at Boston, Mass., in a hearing room to be later designated.

MC 129038 Sub 7, Tri-State Coach Lines, Inc., now being assigned hearing June 21, 1972, at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–5043 Filed 3–31–72;8:49 am]

[Rev. S.O. 994; ICC Order 67]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Central Railroad Company of New Jersey, Robert D. Timpany, trustee, is unable to transport traffic over its lines in Pennsylvania because of a cessation of operations ordered by the Federal District Court in Newark, N.J.

It is ordered, That:

(a) Rerouting traffic: The Central Railroad Company of New Jersey, Robert D. Timpany, trustees, being unable to transport traffic over its lines in Pennsylvania because of a cessation of operations ordered by the Federal District Court in Newark, N.J., this railroad and its connections are hereby authorized to reroute or divert such traffic by substituting the Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, trustees, for the Central Railroad of New Jersey for movement over that line in the State of Pennsylvania and/or to and from those stations of the Central Railroad Company of New Jersey, Robert D. Timpany, trustee, located in the State of Pennsylvania. No other changes in routing shall be made unless authorized by the shipper; or, if the shipment was originally unrouted, unless authorized by the origin carrier. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(c) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(d) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Effective date: This order shall become effective at 12:01 a.m., April 1, 1972.

(f) Expiration date: This order shall expire at 11:59 p.m., May 30, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72–5046 Filed 3–31–72;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 29, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42386—*Iron or steel angles and bars to specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B–308), for interested rail carriers. Rates on angles and bars, iron or steel, in carloads, as described in the application, from points in Alabama, Georgia, Illinois, Missouri, and Oklahoma, to specified points in Texas.

Grounds for relief—Barge-truck competition, market competition, and rate relationship.

Tariff—Supplement 282 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on April 26, 1972.

FSA No. 42388—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 657), for interested rail carriers. Rates on cups or tumblers, cooling boxes or chests, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 136 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on May 2, 1972.

FSA No. 42390—*Hominy feed from and to points in southern and southwestern territories.* Filed by Southwestern Freight Bureau, agent (No. B–298), for interested rail carriers. Rates on hominy feed, in carloads, as described in the application, from and to points in southern, southwestern, and western trunkline territories.

Grounds for relief—Rate relationship.

Tariffs—Supplement 89 to Southwestern Freight Bureau, agent, tariff ICC 4901, and seven other schedules named in the application. Rates are published to become effective on May 3, 1972.

FSA No. 42391—*General commodities between rail stations in New Jersey and ports in Japan.* Filed by Sea-Land Service, Inc. (No. 61), for itself, and interested rail carriers. Rates on general commodities, from rail stations in New Jersey, to ports in Japan.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff 201, ICC No. 72. Rates are published to become effective on April 21, 1972.

AGGREGATE OF INTERMEDIATES

FSA No. 42387—*Iron or steel angles and bars to specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-309), for interested rail carriers. Rates on angles and bars, iron or steel, in carloads, as described in the application, from points in Alabama, Georgia, Illinois, Missouri, and Oklahoma, to specified points in Texas.

Grounds for relief—Maintenance of depressed rates published to meet water and market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 282 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on April 26, 1972.

FSA No. 42389—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 656), for interested rail carriers. Rates on petroleum coke or petroleum coke breeze, salt cake, cups or tumblers, and cooling boxes or chests, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplements 135 and 136 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on May 2, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5044 Filed 3-31-72;8:49 am]

[Notice 38]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 29, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73610. By application filed March 20, 1972, AIRPORT LIMOUSINE SERVICE, INC., Building No. 56, Newark Airport, Newark, N.J., seeks temporary authority to lease the operating rights of N.J. & N.Y. AIRPORT LIMOUSINE, INC., 230 Main Street, Fort Lee, NJ 07024, under section 210a(b). The transfer to Airport Limousine Service, Inc., of the operating rights of N.J. & N.Y. AIRPORT LIMOUSINE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5045 Filed 3-31-72;8:49 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
6641-6722	Apr. 1

Public Papers of the Presidents of the United States

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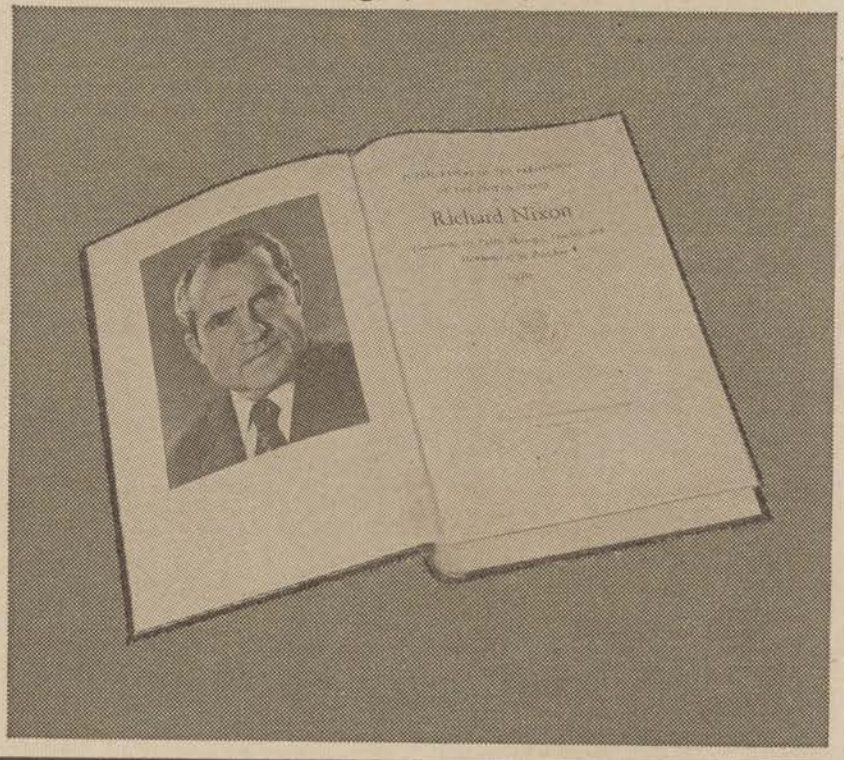

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