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List of CFR Parts Affected

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

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

Presidential Documents

Title 3—The President

PROCLAMATION 4121

National Defense Transportation Day and National Transportation Week, 1972

By the President of the United States of America

A Proclamation

"How is it that we can send men to the moon, yet we cannot manage our problems of transportation here on earth?" That is a question we often hear as each year it seems that less time is needed to fly around the world, and more time to drive to work.

If we have the will, we can subdue these transportation problems. The same American technology that opened wide the door to space travel, can be harnessed both to relieve the inadequacies of our domestic transportation system and to provide for future transport needs. With careful planning and conscientious direction, our technology can develop new ways to move people and goods. Thirty years ago, the idea of sending men to the moon seemed impossibly visionary. Thirty years from now, I predict, new forms of transport will be operating which seem today as unrealizable as lunar space travel once was.

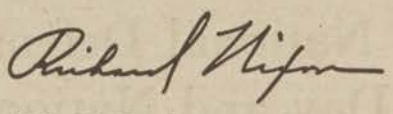
From May 27 through June 4, 1972, an exposition of advanced transportation technology, called TRANSPO '72, will be staged at Dulles Airport near Washington, D.C. I encourage all Americans to attend this display, and to experience an exciting forward look at transportation concepts, designs and systems for meeting the challenges of the twenty-first century.

In recognition of the importance of our transportation system, the Congress, by joint resolutions approved May 16, 1957, and May 14, 1962, requested the President to proclaim annually the third Friday of May each year as National Defense Transportation Day, and the week of May in which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Friday, May 19, 1972, as

National Defense Transportation Day, and the week beginning May 14, 1972, as National Transportation Week. I urge the people of the United States to observe this period with appropriate ceremonies in recognition of the importance of our transportation system to our lives and national defense, and as a tribute to the men and women who make possible the movement of people and goods throughout our land and abroad.

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



[FR Doc.72-5544 Filed 4-7-72; 12:08 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 351—REDUCTION IN FORCE

Employees' Retention Standing

Part 351 is amended to provide that in reduction in force (1) employees' retention standing be determined on the basis of performance ratings of record on the date reduction-in-force notices are issued; (2) employees' bumping and retreat rights are determined on the basis of pay scales in effect on the date reduction-in-force notices are issued; (3) agencies may extend the maximum length of reduction-in-force notices up to 180 days without prior Commission approval; and (4) employees' names are removed from agency reemployment lists when they accept a nontemporary, full-time, competitive position with another agency.

Effective on publication in the FEDERAL REGISTER (4–8–72), §§ 351.504, 351.506, 351.703, 351.801, and 351.1001 (a) are revised as set out below.

§ 351.504 Performance rating.

(a) Each employee's performance rating of record on the date of issuance of specific reduction-in-force notices shall determine his entitlement to additional service credit as provided in this section.

(b) Each agency shall credit each employee who has an outstanding performance rating with 4 years of service added to his creditable service.

(c) Each agency shall credit each employee who has a performance rating between satisfactory and outstanding, which has been authorized under a performance rating plan approved by the Commission, with 2 years of service added to his creditable service.

§ 351.506 Effective date of retention standing.

Except for determining additional service credit for performance ratings as provided in § 351.504:

(a) The retention standing of each employee released from his competitive level in the order prescribed in § 351.602 is determined as of the date he is so released.

(b) The retention standing of each employee temporarily retained in his competitive level under § 351.608 is determined as of the date he would have been released from his competitive level had temporary retention action under § 351.608 not been taken. The retention standing of each employee so retained remains fixed until the completion of the reduction-in-force action which resulted in the temporary retention.

(c) When an agency discovers an error in the determination of an employee's retention standing, it shall correct the error and adjust any erroneous reduction-in-force action to accord with the employee's true retention standing as of the effective date established by this section.

§ 351.703 Assignment involving displacement.

(a) An agency shall assign under § 351.603 a group I or II employee in a position in the competitive service, rather than furlough or separate him, to a position in the competitive service in another competitive level in his competitive area which requires no reduction, or the least possible reduction, in representative rate when a position in the other competitive level is held by an employee:

(1) In a lower subgroup; or

(2) With lower retention standing in a position from which the group I or II employee was promoted or an essentially identical position.

(b) Each employee's assignment rights shall be determined on the basis of the pay rates in effect on the date of issuance of specific notices of reduction in force, except that when it is officially known on the date of issuance of notices that new pay rates have been approved and will become effective by the effective date of the reduction in force, assignment rights shall be determined on the basis of the new pay rates.

§ 351.801 Notice period.

(a) Each competing employee selected for release from his competitive level under this part is entitled to a written notice at least 30 full days before the effective date of his release.

(b) The notice shall not be issued more than 90 days before release except when the agency determines that additional time will protect employee rights or avoid administrative hardship.

(c) Except as required by this part or as permitted by paragraph (d) of this section, the notice period may not exceed 180 days without the prior approval of the Commission.

(d) When an agency retains an employee under section 351.606 or § 351.608 it may give him a longer notice period than that provided in paragraph (c) of this section, but it may not continue the notice period beyond the employee's retention period. The notice to the employee shall cite the date on which the retention period ends as the effective date of the employee's release from his competitive level.

§ 351.1001 Establishment of list.

(a) Each agency shall establish and maintain a reemployment priority list for each commuting area in which it separates group I or II employees from competitive positions under this part. The agency shall enter the name of each of these employees on the list for all competitive positions in the commuting area for which he qualifies and is available, except as provided in paragraph (b) of this section. A group I employee's name remains on the list for 2 years, and a group II employee's name for 1 year, from the date he was separated. The agency shall delete an employee's name from the list when he accepts a nontemporary, full-time, competitive position. The agency may delete an employee's name from the list on his written request or when he declines a nontemporary, full-time, competitive position with a representative rate the same as or higher than that of the position he was separated from under this part.

* * * * *

(5 U.S.C. 1302, 3502)

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

[FR Doc.72-5503 Filed 4-7-72;8:50 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 262, Amdt. 1]

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

Limitation of Handling

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

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

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

(b) *Order, as amended.* These provisions in paragraph (b)(1) (i) and (ii) of § 907.562 (Navel Orange Regulation 262; 37 F.R. 6477) during the period March 31, 1972, through April 6, 1972, are hereby fixed as follows:

§ 907.562 Navel Orange Regulation 262.

* * * * *

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

(i) District 1: 996,000 cartons;

(ii) District 2: 204,000 cartons.

* * * * *

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

Dated: April 5, 1972.

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

[FR Doc.72-5430 Filed 4-7-72;8:48 am]

[Lemon Reg. 528]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.828 Lemon Regulation 528.

(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 April 4, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 9, 1972, through April 15, 1972, is hereby fixed at 225,000 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: April 6, 1972.

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

[FR Doc.72-5478 Filed 4-7-72; 8:50 am]

[Orange Reg. 3]

PART 914—ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 914.303 Orange Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 914 (7 CFR Part 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 March 1972, were only 74 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 10 through April 16, 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 2 (37 F.R. 6661) 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 10 through April 16, 1972, could not be fully evaluated before April 4, 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 10 through April 16, 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 regulation 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 regulation is based became available and the time when this regulation 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 regulation, 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 regulation effective during the period herein specified; and compliance with this regulation 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 April 4, 1972.

(b) *Order.* (1) The quantity of oranges grown in the Interior District which may be handled during the period April 10 through April 16, 1972, is hereby fixed at 200,000 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: April 5, 1972.

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

[FR Doc.72-5479 Filed 4-7-72;8:50 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 11, Amdt. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Surety Bond Guarantee Assistance

On December 9, 1971, there was published in the FEDERAL REGISTER (36 F.R. 23401) a notice that the Small Business Administration proposed to revise Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by adding a definition of small business for the purpose of surety bond guarantee assistance. The public was given 30 days to comment on the proposal. Having carefully considered all aspects of the proposal and comment thereon, it has been decided to adopt the proposal.

Accordingly Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising the index to Part 121 by retitling § 121.3–14 as *Definition of small business for the purpose of surety bond guarantee*, and adding § 121.3–15, *Interpretations*.

§ 121.3–15 [Renumbered]

2. Renumbering § 121.3–14 as § 121.3–15, and

3. Inserting new § 121.3–14 to read as follows:

§ 121.3–14 Definition of small business for the purpose of surety bond guarantee assistance.

A small business concern for the purpose of surety bond guarantee assistance is a concern that qualifies as a small business under § 121.3–10, with the following exception:

(a) *Construction.* Any construction concern is small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years, do not exceed $750,000.

Effective date. This amendment shall become effective as of February 8, 1972.

Dated: March 29, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-5377 Filed 4-7-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-5-AD, Amdt. 39-1430]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Engines

Amendment 39–1166 (36 F.R. 4478), AD 71–5–7, requires a repetitive visual 50-hour oil filter inspection for excessive oil contamination. Amendment 39–1166 further provides for the use of a magnetic chip detector as a means of extending the intervals for the accomplishment of the oil filter inspections. In addition, a revision to the Airplane Flight Manuals is required to advise that pilot to shut down the engine if torque fluctuation or loss of torque pressure occurs on AiResearch Model TPE331–1, –2, –25, –29, –43, –45, –47, –49, –51, –55, –57, –61, and –71 series engines.

After issuing Amendment 39–1166, due to additional service experience, the agency determined that the use of the engine chip detector was applicable only to the TPE331–1 and –2. Therefore, amendment 39–1180 (36 F.R. 5673) was issued to restrict the use of the chip detector inspection to the TPE331–1 and –2 only.

The manufacturer subsequently developed an improved high speed pinion bearing and thrust washer and the agency determined that incorporation of this design was equivalent to the required inspection and procedures. Therefore, Amendment 39–1277 (36 F.R. 17031) was issued to provide termination of the required inspections and procedures upon accomplishment of the modification.

After issuing Amendment 39–1277, due to additional service experience, the agency has determined that the visual inspections of the engine oil filter of Amendment 39–1166 must be supplemented by a laboratory examination of the oil filter element and an engine oil sample. Further, the use of the engine chip detector authorized in Amendment 39–1180 is not a suitable means of increasing the intervals between engine oil filter inspections from 50 to 100 hours for the TPE331–1 and –2 engines. Therefore, the AD is being further amended to: (1) Eliminate the use of a magnetic chip detector as a means of extending the interval between oil filter inspections for the TPE331–1 and –2 engines; (2) require a supplementary laboratory examination of the engine oil filter element and an oil sample at 50-hour intervals; and (3) require incorporation of an improved high speed pinion bearing and thrust washer assembly at the next engine overhaul.

Accomplishment of (3), or an equivalent FAA-approved modification, will constitute terminating action for this AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1166 (36 F.R. 4478), AD 71–5–7, as amended, is further amended as follows:

1. Amend paragraph (a) to read:

(a) Within 50 hours time in service after the effective date of this amendment to AD 71–5–7, as amended, unless already accomplished, and at intervals not to exceed 50 hours' time in service thereafter, perform a visual inspection of the engine oil filter per AiResearch Service Bulletin 628, Revision 2, dated March 23, 1972, or later FAA-approved revision, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. Return a sample of engine oil and the used engine oil filter element after each inspection to AiResearch for laboratory examination in accordance with AiResearch Service Bulletin 628, Revision 2, dated March 23, 1972, or later FAA-approved revision. Use of other laboratory facilities requires the approval of the Chief, Aircraft Engineering Division, FAA Western Region. Operators must submit substantiating data to obtain this approval.

(1) If excessive oil contamination in the filter is found during the visual inspection required in (a) above, the cause must be determined and corrected before further flight.

(2) Prior to operation of the engine in excess of 50 hours' time in service since the inspection prescribed in (a) above, the owner or operator must receive written confirmation of the results from AiResearch, or another approved facility.

2. Revise paragraph (c) to read:

(c) After the effective date of this amendment to AD 71–5–7, as amended, unless previously accomplished, incorporate, at the next engine overhaul, the improved high speed pinion and thrust washer assembly per AiResearch Service Bulletin 632, Revision 1, dated March 23, 1972, or Service Bulletin 659, Revision 1, dated March 23, 1972, or later FAA-approved revision(s), or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region. Upon completion of this modification the inspections of (a) above may be discontinued, and the AFM revision required by (b), above, may be deleted.

This amendment becomes effective April 8, 1972.

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

6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 28, 1972.

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

[FR Doc.72-5383 Filed 4-7-72;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-7090]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Quarterly Report of Issuers of Periodic Payment Plan Certificates

On December 10, 1971, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6878 (37 F.R. 289)) that it had under consideration the adoption of Rule 27d-3 and Form N-27D-2 (17 CFR 270.27d-3, 274.127d-2) under the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-1 et seq.), as amended by the Investment Company Amendments Act of 1970 (1970 Act) (Public Law 91-547, 84 Stat. 1413). All interested persons were invited to comment on the proposals.

The Commission has considered all of the comments and suggestions received and has determined to adopt Rule 27d-3 and Form N-27D-2 in the form set forth below. Adoption of the Rules and Forms is made pursuant to the authority granted the Commission in sections 27(d), 27(f), 30(b), and 38(a) of the Act (15 U.S.C. 80a-27(d), 80a-27(f), 80a-29(b), 80a-37(a)).

Section 30(b) of the Act provides that the Commission may require registered investment companies to file information and documents, on a semiannual or quarterly basis, to keep reasonably current the information and documents contained in the registration statements of such companies. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act, including prescribing the forms upon which information required in reports to the Commission shall be set forth.

Under section 27(d) (of the Act), periodic payment plan certificates, typically issued with a 50 percent "front-end load," must provide that the certificate holder may surrender his certificate at any time prior to the expiration of 18 months after issuance of the certificate and receive in payment thereof, in cash, the value of his account plus an amount from the underwriter for, or depositor of, the issuer equal to that part of the excess paid for sales loading which exceeds 15 percent of the gross payments made by the certificate holder.

Under section 27(f) (of the Act), a certificate holder, within 60 days after the issuance to him of his periodic payment plan certificate, must be given a written notice of his right to withdraw from the plan within 45 days of the date of mailing the notice. Any certificate holder who exercises his right of withdrawal is entitled to receive a refund of the amount equal to the value of his account plus an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested, i.e., a complete refund of all charges.

Section 27(d) and 27(f) of the Act also provide that the Commission may make rules and regulations applicable to underwriters for or depositors of registered investment companies issuing periodic payment plan certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund charges as required by those sections. On July 2, 1971 (Investment Company Act Release No. 6600 (36 F.R. 13134)), the Securities and Exchange Commission adopted Rules 27d-1, 27d-2, and 27f-1 under the Act (17 CFR 270.27d-1, 270.27d-2, 270.27f-1) which, among other things, relate to reserve and refund requirements in connection with sales of periodic payment plan certificates.

Reserve requirements. Rule 27d-1 provides that every depositor of, or principal underwriter for, the issuer of a periodic payment plan certificate issued subject to section 27(d) or section 27(f) of the Act, or both, shall deposit and maintain funds in a segregated trust account as a reserve and as security for the purpose of assuring the refund of charges required by sections 27(d) and 27(f) (of the Act). Under the Rule, depositors or principal underwriters are required to deposit at least 45 percent of the excess sales load on each monthly payment made on periodic payment plan certificates sold subject to section 27(d) (of the Act). For all certificates for which they are liable for the refund of any sales load they are required to maintain in the segregated trust account an amount equal to not less than 35 percent of the refundable sales load. On certificates sold subject to only the 45-day refund right, an amount equal to 20 percent of the charges subject to refund must be deposited and maintained in the segregated trust account, except that on plans requiring monthly payments in excess of $100 the applicable rate is 30 percent.

When it adopted Rule 27d-1, the Commission stated that it

> * * * intends to review the reserve requirements in light of actual experience as soon as sufficient data becomes available. Such data would include numbers and frequency of payments and refunds, sales volume, aggregate indebtedness, net capital and excess net capital of principal underwriters and depositors. In order to facilitate such review the Commission may propose the filing of appropriate forms and also require the maintenance of certain records not now required to be kept.

Form N-27D-2. Form N-27D-2 is a quarterly report to be filed by registered unit investment trusts and management investment companies issuing periodic payment plan certificates. The form, as adopted, differs from the form as originally proposed principally as follows:

1. Form N-27D-2 is required to be filed only by issuers that are subject to the 18-month surrender right of section 27(d) (of the Act), rather than by all issuers of periodic payment plan certificates;

2. The first report on Form N-27D-2, for the calendar quarter ending December 31, 1971, will be due May 30, 1972, rather than March 15, 1972. The second report, for the calendar quarter ending March 31, 1972, will be due June 30, 1972, rather than April 30, 1972;

3. As originally proposed, Form N-27D-2 required certificate activity to be reported by denomination; certificates that provided for monthly payments of $100 or less were to be reported separately from certificates that provided for monthly payments of more than $100. The form now permits certificate activity data to be reported without regard to denomination if the total agreed payments on certificates that provide for monthly payments of $200 or less amount to 90 percent or more of the total agreed payments on all certificates issued during a calendar quarter. If such agreed payments amount to less than 90 percent of total agreed payments, certificate activity data must be reported by denomination, but based upon a $200 breakpoint. In order to determine whether certificate activity data can be reported without regard to denomination, information on total agreed payments according to denomination is required to be reported for certificates issued during the reporting quarter.

4. The requirement that issuers report data on certificates outstanding at the end of the reporting quarter which were subject to the 45-day withdrawal right at that time has been deleted.

Form N-27D-2 is required to be filed for each calendar quarter ending on or after December 31, 1971 by issuers of periodic payment plan certificates subject to the 18-month surrender right of section 27(d) (of the Act), if the certificates were issued during the calendar quarter or were outstanding at the beginning of the calendar quarter and were issued less than 18 months prior to the beginning of the calendar quarter.

Issuers of periodic payment plan certificates are not required to file the form if the depositor or principal underwriter has obtained an insurance company undertaking, pursuant to Rule 27d-2, to guarantee the performance of all of its obligations to refund charges pursuant to sections 27(d) and 27(f) (of the Act). However, such issuers are required to file the form if some of the certificates outstanding at the beginning of, or sold during, the calendar quarter were not covered by the guarantee.

Issuers of periodic payment plan certificates that are subject to only the 45-day withdrawal right of section 27(f) (of the Act) are not required to file Form N–27D–2; the Commission intends to propose a different form for the collection of data on the refund experience of such issuers.

General Format. Form N–27D–2 contains eight items. Item 1 provides a capsule description of the issuer and of the certificates. Items 2 through 8 provide the basic information with respect to the current status and activity of certificates issued during the reporting quarter and each of the six preceding quarters. The certificates issued during any quarter are traced for the next six quarters and would thus appear in a total of seven quarterly reports. However, the item number of certificates issued in any quarter changes from one quarterly report to another. Thus, information concerning certificates issued during the fourth calendar quarter of 1971 would be reported first in Item 2 of the December 31, 1971 report. It would appear next in Item 3 of the March 31, 1972 report and would appear in Items 4 through 8 in successive reports. Appendix A to the Instructions for Form N–27D–2 contains a schedule of the contents of Items 2 through 8 for the quarterly reports from December 31, 1971 through June 30, 1973.

Basic principles of Form N–27D–2. The form employs the following basic principles:

1. All certificates issued in a particular calendar quarter are reported separately and not combined with the certificates issued in any other quarter. Thus, in any given quarterly report, the status of certificates sold in the reporting quarter and in each preceding calendar quarter may be determined separately.

2. Certificate activity data is reported in two categories on an aggregate basis according to the denomination of the regular monthly payments required on each certificate. Certificates that provide for monthly payments, or their equivalent, of $200 or less are to be reported in one category and higher denomination certificates in another category. However, if total agreed payments on certificates that provide for monthly payments, or their equivalent, of $200 or less amount to 90 percent or more of total agreed payments on all certificates issued during a quarter, then reporting by denomination is not required for certificates issued in that quarter.

3. Certificates outstanding at the end of the reporting quarter or which were surrendered or withdrawn during the reporting quarter are reported according to the total number of monthly payments, or their equivalent, which were actually made on the certificates from the date of issue until the end of the reporting quarter, rather than according to the payments made during the reporting quarter.

4. With one exception, all information reported in Items 2 through 8 of the form is expressed in terms of the number of certificates rather than the actual dollar amounts of sales and other charges paid and refunded. Items 2 and 3a also require information on total agreed payments for certificates issued during the reporting quarter and during the third quarter of 1971.

5. Only certificates issued on or after July 1, 1971, are required to be included in the form.

Reporting dates. The first report on Form N–27D–2, for the calendar quarter ending December 31, 1971, will be due May 30, 1972. This report will contain a special report, Item 3a, providing information on certificates which were issued during the third calendar quarter of 1971 and which were surrendered or withdrawn during that quarter. Item 3a will not be included in any other quarterly report. The report for the calendar quarter ending March 31, 1971, will be due on June 30, 1972; subsequent reports for calendar quarters ending on or after June 30, 1972, are required to be filed within 30 days after the end of each calendar quarter.

After issuers and the Commission have obtained sufficient experience with the use of Form N–27D–2, the Commission intends to explore the possibility of permitting Form N–27D–2 to be filed by means of punched cards, magnetic tapes or other media suitable for direct processing by electronic data processing equipment.

NOTES The text of Form N–27D–3 is contained in Release No. IC–7090, copies of which have been filed with the Office of the Federal Register and copies of the release may be obtained from the Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549. However, issuers should note that the Commission expects to make available a preprinted Form N–27D–2, suitable for electronic data processing, prior to May 30, 1972. The processing of Form N–27D–2 would be greatly facilitated by use of such preprinted form. Accordingly, issuers required to file Form N–27D–2 should use the preprinted EDP version of the form and not the form attached to the release.

The Commission action is as follows:

Commission action. Parts 270 and 274 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder new §§ 270.27d–3 and 274.127d–2 respectively, to read as follows:

§ 270.27d–3 Quarterly report of issuers of periodic payment plan certificates subject to the surrender right of section 27(d) of the Act.

Form N–27D–2 (§ 274.127d–2 of this chapter) is hereby prescribed pursuant to sections 27(d), 27(f), 30(b), and 38 of the Act as the form for quarterly reports which shall be filed for each calendar quarter by registered investment companies.

§ 274.127d–2 (Form N–27D–2) For issuers of periodic payment plan certificates subject to the surrender right of section 27(d) of the Act.

(a) This form shall be filed for each calendar quarter ending on or after December 31, 1971 by issuers of periodic payment plan certificates subject to the surrender right of section 27(d) of the Act if: (1) The certificates were issued during such calendar quarter, or (2) were outstanding at the beginning of such calendar quarter and were issued on or after July 1, 1971 and less than 18 months prior to the beginning of such calendar quarter.

(b) Notwithstanding paragraph (a) of this section, issuers of periodic payment plan certificates for which an undertaking has been obtained from an insurance company pursuant to § 270.27d–2 of this chapter to guarantee the performance of all obligations to refund charges under section 27(d) and 27(f) of the Act for all certificates outstanding at the beginning of, and sold during, the calendar quarter are not required to file Form N–27D–2.

(Secs. 27(d), 27(f), 30(b), 38(a); 54 Stat. 829, 836, 841; 15 U.S.C. 80a–27(d), 80a–27(f), 80a–29(b), 80a–37(a); Public Law 91–547, 84 Stat. 1424, 1425)

The foregoing action shall become effective May 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

APRIL 10, 1972.

[FR Doc.72–5428 Filed 4–7–72;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Repository Corticotropin Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (8–760V) filed by Armour Pharmaceutical Co., Post Office Box 3113, Omaha, Nebr. 68103, providing for the safe and effective use of repository corticotropin injection for the treatment of ACTH deficiencies in cattle and small animals and as a therapeutic agent for primary bovine ketosis. The supplemental application is approved.

To facilitate referencing, Armour Pharmaceutical Co. is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135b are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 075 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
075 ----------	Armour Pharmaceutical Co., Post Office Box 3113, Omaha, Nebr. 68103.

2. Part 135b is amended by adding the following new section:

§ 135b.30 Repository corticotropin injection.

(a) *Specifications.* The drug conforms to repository corticotropin injection U.S.P. It contains 40 or 80 U.S.P. (I.U.) units per cubic centimeter.

(b) *Sponsor.* See code No. 075 in § 135.501(c) of this chapter.

(c) *Special considerations.* The drug should be refrigerated. With prolonged use supplement daily diet with potassium chloride at one gram for small animals and from 5 to 10 grams for large animals.

(d) *Conditions of use.* (1) It is used as an intramuscular or subcutaneous injection in cattle and small animals for stimulation of the adrenal cortex where there is a general deficiency of ACTH. It is also a therapeutic agent for primary bovine ketosis.

(2) It is administered to cattle initially at 200 to 600 units followed by a dose daily or every other day of 200 to 300 units and to small animals at one unit per pound of body weight to be repeated as indicated.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–8–72).

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

Dated: March 30, 1972.

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

[FR Doc.72–5400 Filed 4–7–72;8:47 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13–527V) filed by Affiliated Laboratories Division, Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067 proposing the safe and effective use of sulfadimethoxine injection for the treatment of dogs and cats. The supplemental application is approved. In addition, the applicable regulations are revised to incorporate editorial changes.

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

In § 135b.15 by revising paragraph (a) and by redesignating it as paragraph (a)(1), by redesignating paragraph (b) as paragraph (a)(2), by revising paragraph (c) and by redesignating it as paragraph (a)(3), by revising paragraph (c)(1) and (2) and redesignating it as paragraph (a)(3)(i) and (ii), by redesignating paragraph (c)(3) as paragraph (a)(3)(iii), and by adding a new paragraph (b) as follows:

§ 135b.15 Sulfadimethoxine injection.

(a)(1) *Specifications.* Sulfadimethoxine injection containing 400 milligrams per milliliter.

* * * * *

(3) *Conditions of use.* (i) It is intended for use in dogs and cats for the treatment of respiratory, genitourinary tract, enteric, and soft tissue infections when caused by Streptococci, Staphylococci, Escherichia, Salmonella, Klebsiella, Proteus, or Shigella organisms sensitive to sulfadimethoxine, and in the treatment of canine bacterial enteritis associated with coccidiosis and canine Salmonellosis.

(ii) It is administered by intravenous or subcutaneous injection at an initial dose of 55 milligrams per kilogram of body weight followed by 27.5 milligrams per kilogram of body weight every 24 hours.

* * * * *

(b)(1) *Specifications.* Sulfadimethoxine injection containing 100 milligrams per milliliter.

(2) *Sponsor.* See code No. 069 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used or intended for use in the treatment of sulfadimethoxine-susceptible bacterial infections in cats and dogs.

(ii) It is administered by intravenous or intramuscular injection at an initial dose of 25 milligrams per pound of body weight followed by 12.5 milligrams per pound of body weight daily thereafter for 3 to 5 days.

(iii) For use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–8–72).

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

Dated: March 30, 1972.

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

[FR Doc.72–5401 Filed 4–7–72;8:47 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Iron Dextran Complex Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10–865V) filed by Fort Dodge Laboratories, Fort Dodge, Iowa 50501, proposing revised labeling regarding the safe and effective uses of iron dextran complex injection in baby pigs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.38 is amended by revising paragraph (b) and by adding two new subparagraphs to paragraph (c) as follows:

§ 135b.38 Iron dextran complex injection.

* * * * *

(b) *Sponsor.* (1) See code No. 054 in § 135.501(c) of this chapter for the sponsor of the usages provided by paragraph (c) (1) and (2) of this section.

(2) See code No. 017 in § 135.501(c) of this chapter for the sponsor of usages provided by paragraph (c) (3) and (4) of this section.

(c) * * *

(3) For the prevention of anemia due to iron deficiency, administer an initial intramuscular injection of 100 milligrams of elemental iron to each animal at 2 to 4 days of age. Dosage may be repeated in 14 to 21 days.

(4) For the treatment of anemia due to iron deficiency, administer an intramuscular injection of 200 milligrams of elemental iron.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–8–72).

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

Dated: March 30, 1972.

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

[FR Doc.72–5399 Filed 4–7–72;8:46 am]

[DESI 50359]

PART 148i—NEOMYCIN SULFATE

Certain Preparations for Ophthalmic Use Containing Antibiotics and Corticosteroids; Revocation

In a notice [DESI 50359] published in the FEDERAL REGISTER of March 9, 1971 (36 F.R. 4559), the Commissioner of Food and Drugs announced his conclusions following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Predmycin Ophthalmic Solution, containing neomycin sulfate, prednisolone, and phenylephrine hydrochloride; Allergan Pharmaceuticals, 1000 South Grand Avenue, Santa Ana, Calif. 92705 (NDA 50–359).

2. Prednicidin Ophthalmic Suspension, containing neomycin sulfate, gramicidin, prednisolone acetate, and phenylephrine hydrochloride; Tilden-Yates Laboratories, Inc., Fairfield Road, Wayne, N.J. 07470 (NDA 60–637).

The notice stated that these drugs were regarded as possibly effective for their labeled indications. The indication have been reclassified as lacking subtantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of March 9, 1971.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to delete provisions for certification or release of such drugs.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 148i.9 is amended in paragraph (a)(1) by deleting subdivision (iii) and redesignating subdivision (iv) as (iii) and subdivision (v) as (iv), to read as follows:

§ 148i.9 **Neomycin sulfate ---------- ophthalmic suspension; neomycin sulfate ---------- opthalmic solution (the blanks being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).**

(a) *Requirements for certification—*(1) *Standards for identity, strength, quality, and purity.* The drug is a suspension or a solution containing, in each milliliter, 3.5 milligrams of neomycin and the following other active ingredients in a suitable and harmless vehicle:

(i) 15 milligrams of cortisone acetate; or

(ii) 5 milligrams or 25 milligrams of hydrocortisone acetate; or

(iii) 1 milligram or 2 milligrams of prednisolone; or

(iv) 1 milligram of sodium dexamethasone phosphate.

It may also contain one or more suitable and harmless buffers, dispersants, and preservatives. It is sterile. Its pH is not less than 6.0 and not more than 8.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order and request a hearing, showing reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701(f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050–51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357)

Dated: March 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5420 Filed 4–7–72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

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

§ 1914.4 **List of eligible communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	San Mateo	Brisbane				Apr. 7, 1972.
Connecticut	Fairfield	Fairfield				Do.
Do.	do.	New Canaan				Do.
Massachusetts	Hampshire	Northampton				Do.
New Jersey	Middlesex	Highland Park Borough.				Do.
Texas	Bexar	Unincorporated areas.				Do.
West Virginia	Logan	do.	I 54 045 0000 05 through I 54 045 0000 22	West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Office of the Clerk of the County Court of Logan County, City of Logan Courthouse, Logan, W. Va. 25601.	Do.

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

Issued: March 29, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–5342 Filed 4–7–72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	San Mateo	Brisbane				Apr. 7, 1972.
Connecticut	Fairfield	Fairfield				Do.
Do.	do	New Canaan				Do.
Massachusetts	Hampshire	Northampton				Do.
New Jersey	Middlesex	Highland Park Borough.				Do.
Texas	Bexar	Unincorporated areas.				Do.
West Virginia	Logan	do	H 54 045 0000 05 through H 54 045 0000 22	West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Office of the Clerk of the County Court of Logan County, City of Logan Courthouse, Logan, W. Va. 25601.	Feb. 9, 1971.

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

Issued: March 29, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-5443 Filed 4-7-72; 8:45 am]

Title 25—INDIANS

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

SUBCHAPTER C—PROBATE

PART 16—ESTATES OF INDIANS OF THE FIVE CIVILIZED TRIBES

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

Beginning on page 536 of the FEDERAL REGISTER of January 13, 1972 (37 F.R. 536), there was published a notice of proposed rule making to revise Part 16 of Title 25 of the Code of Federal Regulations relating to the performance by State courts of functions affecting estates of Indians of the Five Civilized Tribes. The regulations were proposed pursuant to the Act of August 4, 1947 (61 Stat. 731) and 5 U.S.C. 301.

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

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

The revised Part 16 shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 27, 1972.

Sec.

AUTHORITY: The provisions of this Part 16 issued under 5 U.S.C. 301. (Interprets or applies Act of Apr. 26, 1906, ch. 1876, 34 Stat. 137, see 25 U.S.C. 355nt (1970); Act of May 27, 1908, ch. 199, 35 Stat. 312, see 25 U.S.C. 355nt (1970); Act of June 14, 1918, ch. 101, 40 Stat. 606, 25 U.S.C. 355, 375 (1970); Act of Apr. 12, 1926, ch. 115, 44 Stat. 239, see 25 U.S.C. 355nt (1970); Act of June 26, 1936, ch. 831, 49 Stat. 1967, 25 U.S.C. 501–509 (1970); Act of Aug. 4, 1947, ch. 458, 61 Stat. 731, 25 U.S.C. 502 (1970) and see 25 U.S.C. 355nt (1970); Act of Aug. 12, 1953, ch. 409, 67 Stat. 558, 25 U.S.C. 375c (1970) and see 25 U.S.C. 355nt (1970); Act of Aug. 11, 1955, ch. 786, 69 Stat. 666, see 25 U.S.C. 355nt (1970); Act of Aug. 29, 1967, Public Law No. 90–76, 81 Stat. 177, 25 U.S.C. 786–788 (1970); and Act of May 7, 1970, Public Law No. 91–240, 84 Stat. 203, 25 U.S.C. 375d (1970)).

§ 16.1 Definitions.

(a) The term "Secretary" means the Secretary of the Interior and his authorized representatives.

(b) The term "Bureau" means the Bureau of Indian Affairs, acting through the Commissioner of Indian Affairs and his authorized representatives, including field officials who are responsible for matters affecting properties in which a restricted interest is owned by an Indian of the Five Civilized Tribes.

(c) The term "Field Solicitor" means the supervising attorney in charge of the field office of the Solicitor in Muskogee, Okla.

(d) The term "Indian of the Five Civilized Tribes" means an individual who is either an enrolled member of the Cherokee, Chickasaw, Choctaw, Creek, or Seminole Tribes of Oklahoma, or a descendant of an enrolled member thereof.

(e) The term "restricted interest" means an interest owned in real or personal property subject to restraints upon alienation imposed either by Federal statute or by administrative action authorized by Federal statute. Although this term includes property subject to restraints which may be removed by administrative action, its use in this part refers primarily to property subject to restraints which State courts have jurisdiction to remove in proceedings such as those specified in § 16.2.

§ 16.2 Scope of regulations.

The regulations in this part set forth procedures for discharging the responsibilities of the Secretary in connection with the performance by State courts, as authorized by Federal statutes, of certain functions which affect properties in which a restricted interest is owned by an Indian of the Five Civilized Tribes. These State court functions pertain to such proceedings as guardianship, heirship determination, will probate, estate administration, conveyance approval, partition of real property, confirmation of title to real property, and appeal from action removing or failing to remove restrictions against alienation. In addition, the regulations in this part set forth procedures for discharging certain other responsibilities of the Secretary not necessarily involving State court functions, such as escheat of estates of deceased Indians of the Five Civilized Tribes.

§ 16.3 Legal representation in State courts.

The statutory duties of the Secretary to furnish legal advice to any Indian of the Five Civilized Tribes, and to represent such Indian in State courts, in matters affecting a restricted interest owned by such Indian, shall be performed by attorneys on the staff of the Solicitor, under the supervision of the Field Solicitor. Such advice and representation shall be undertaken to the extent that the Field Solicitor in his discretion shall consider necessary to discharge said duties,

with due regard to the complexity of the legal action contemplated, the availability of staff attorneys for such purposes, the value and extent of the restricted interests involved, possible conflicts between Indians claiming to be owners of such interests, the preference of such owners concerning legal representation, the financial resources available to such owners, the extent to which such owners require similar legal services in connection with their unrestricted properties, and any other factor appropriate for consideration.

§ 16.4 Exchange of information within the Department.

To the extent that information may be useful in discharging the duties covered by the regulations in this part, the Bureau shall furnish to the Field Solicitor, either on a current basis or at periodic intervals, processess and notices received concerning court cases and information, as current and complete as may reasonably be obtainable, concerning the estate and status of an Indian of the Five Civilized Tribes for whom legal assistance should be rendered pursuant to the regulations in this part. Similarly, to the extent that such information may be useful for Bureau action or records, the Field Solicitor shall advise the Bureau of court proceedings, information received, and action taken in furnishing legal services pursuant to the regulations in this part.

§ 16.5 Acceptance and acknowledgment of service of process.

Service by the Field Solicitor or any other person of any process or notice, pursuant to any Federal statute which by its express terms is applicable to Indians of the Five Civilized Tribes, may be accepted and acknowledged by the Field Solicitor, or by any attorney authorized to perform the duties specified in § 16.3, on behalf of the Secretary and the Bureau, notwithstanding any specific designation in such statute of the official to be served (such as the Secretary, superintendent for the Five Civilized Tribes, Probate Attorney, etc.).

§ 16.6 Authority of attorneys in State court litigation.

Attorneys authorized to perform the duties specified in § 16.3 appearing in State court litigation in their official capacities are authorized to take such action as the Secretary could take if he were personally appearing in his official capacity as counsel therein, including but not limited to the filing or decision against filing of initial, responsive, or supplemental pleadings and appeals from adverse judgments, the exercise or decision against exercise of a preferential right to purchase property subject to sale, the removal or decision against removal of actions to Federal courts, and the waiver or decision against waiver of the failure to make timely service of process or notice.

§ 16.7 Performance of Federal functions by successor State courts.

All authority to perform functions relating to Indians of the Five Civilized Tribes which by express provisions of Federal statute had been conferred upon probate or county courts of Oklahoma before such county courts were abolished on January 12, 1969, has since that date been vested in the successor district courts of that State, and all rights of litigants continue undiminished in the successor forum, including the right to appeal from adverse decisions rendered therein to the successor appellate court.

(Interprets or applies Okla. Op. Atty. Gen. No. 68-381 (Dec. 20, 1968))

§ 16.8 Summary distribution of small liquid estates.

Where information, furnished by the Bureau pursuant to § 16.4 or otherwise obtained, reveals that the estate of a deceased Indian of the Five Civilized Tribes contains no restricted land but consists of a restricted interest in funds not exceeding $500 on deposit to the credit of the decedent, the Field Solicitor shall, in the absence of any final decree determining the heirs or legatees of the decedent, prepare and furnish to the Bureau a finding and order of distribution, based on affidavit or other proof of death and heirship or bequest, setting forth the facts of death and heirship or bequest and the amount payable from the estate to each person determined to be an heir or legatee of the decedent. The Field Solicitor shall mail to each person considered a possible claimant to any portion of the estate, as an heir or legatee or otherwise, a copy of the order with a notice that the order shall become final 30 days after the date of mailing thereof unless within that period the officer by whom the order was signed shall have received a written request for reconsideration of the order. After final action on any order has been taken by the Field Solicitor, the Bureau shall distribute the funds in the estate of the decedent in accordance with such final action, unless a timely appeal therefrom has been filed in accordance with Part 2 of this title.

§ 16.9 Escheat of estates of decedents.

Where information, furnished by the Bureau pursuant to § 16.4 or otherwise obtained, reveals that the estate of a deceased Indian of the Five Civilized Tribes, who has been dead 5 or more years after having died intestate without heirs, consists of restricted interests in lands or rents or profits therefrom, the Field Solicitor shall, in the absence of any final decree determining that the decedent died without heirs or devisees, prepare and furnish to the Bureau a finding and order of escheat, based on affidavit or other proof of intestate death without heirs, setting forth the restricted interests in lands or rents or profits therefrom which have by escheat vested in the tribe which allotted the lands. The Field Solicitor shall mail to each person considered a possible claimant to any portion of the estate, as an heir or devisee or otherwise, a copy of the order with a notice that the order shall become final 30 days after the date of mailing thereof unless within that period the officer by whom the order was signed shall have received a written request for reconsideration of the order. After final action on any order has been taken by the Field Solicitor, the Bureau shall cause a certified copy thereof to be filed in the land records of each county within which are located any escheated lands described therein and shall cause the tribe to be credited with any funds in said estate which arose from rents or profits from such lands, unless a timely appeal therefrom has been filed in accordance with Part 2 of this title.

[FR Doc.72-5405 Filed 4-7-72;8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19246]

PART 76—CABLE TELEVISION SERVICE

Nondiscrimination in Employment Practices; Correction

In the matter of amendment of the Commission's rules to require operators of community antenna television systems and community antenna relay station licensees to show nondiscrimination in their employment practices.

The report and order in the above-entitled matter, FCC 72-275, released March 29, 1972, is corrected in the following respects:

(a) The second sentence of paragraph 16 of the report and order is corrected to read as follows: "Also, proposed § 74.1105 (e) has been amended (and is renumbered § 76.13(a)(8)) to permit omission of an EEO program statement from a new-system application for certificate of compliance, if the proposed operator (1) believes that there will not be 5 full-time employees at any time during the first 3 months of the year following commencement of operation of the cable system, and (2) submits a statement justifying that conclusion."

(b) In Appendix A of the report and order—

(1) Section 76.311(c)(1)(i)(c)(*1*) is corrected to read as follows: "Where, pursuant to paragraph (b)(3), a program is jointly established by two or more cable systems with an aggregate total of 5 or more full-time employees, a multiple cable operator shall file a combined statement."

(2) The first sentence of new § 76.311 (d)(1) is corrected to read as follows: "All operators of cable television systems shall submit an annual report to the Commission no later than May 31 of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, Territorial, or local law have been filed during the preceding calendar year before any body having competent jurisdiction."

Released: April 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5413 Filed 4-7-72;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Title 32, Chapter V, Subchapter G, is amended as follows:

PART 591—GENERAL PROVISIONS

1. In § 591.150 (a), (b)(2), (4), (5), (6), and (7) are amended, in paragraph (c) of this section the subparagraphs are revised, and paragraphs (e) and (f) are amended; §§ 591.307(b) and 591.350–5 (c) are amended; § 591.350–7(k) is added; §§ 591.401–50(a)(1), 591.401–51, 591.403–52(e)(1), 591.405(a)(3) and (e) are amended; § 591.452–1(b)(3) is revised; §§ 591.452–4(b), 591.1050–1 (b) and (c), 591.1050–2(a), 591.5003, 591.5005, and 591.5006 (b) and (c) are amended; in the appendix to § 591.5102 the Delegations of Authority, Ref. No. SAOSA–71–1 dated May 28, 1971 and SAOSA–71–7 dated May 8, 1971, are superseded without prejudice to any actions taken pursuant thereto, and new Delegations of Authority are inserted in lieu thereof, as follows:

§ 591.150 Procurement channels and mailing addresses.

(a) Unless otherwise specifically prescribed in ASPR or APP, submittals to higher authority of recommendations, reports, findings, data, information, and other documents relating to procurement matters shall be through procurement channels as indicated in paragraph (f) of this section.

(b) * * *

(2) Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General for Civil Law) Attn: DAJA–ZC, Department of the Army, Washington, D.C. 20310.

* * * * *

(4) Chief Trial Attorney, Office of The Judge Advocate General. Address: HQDA (DAJA–CA).

(5) Comptroller of the Army, Attention: Chief, Contract Financing Office. Address: HQDA (DACA–FIS–C).

(6) Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(7) Chief of Engineers, Forrestal Building. Address: HQDA (DAEN).

* * * * *

(c) * * *

(1) Requests for deviation from provisions of ASPR or APP,

(2) Requests for approval of awards or determinations and findings,

(3) Requests for changes to provisions of ASPR or APP,

(4) Mistakes in bids and protest cases,

(5) GAO and other type investigative reports,

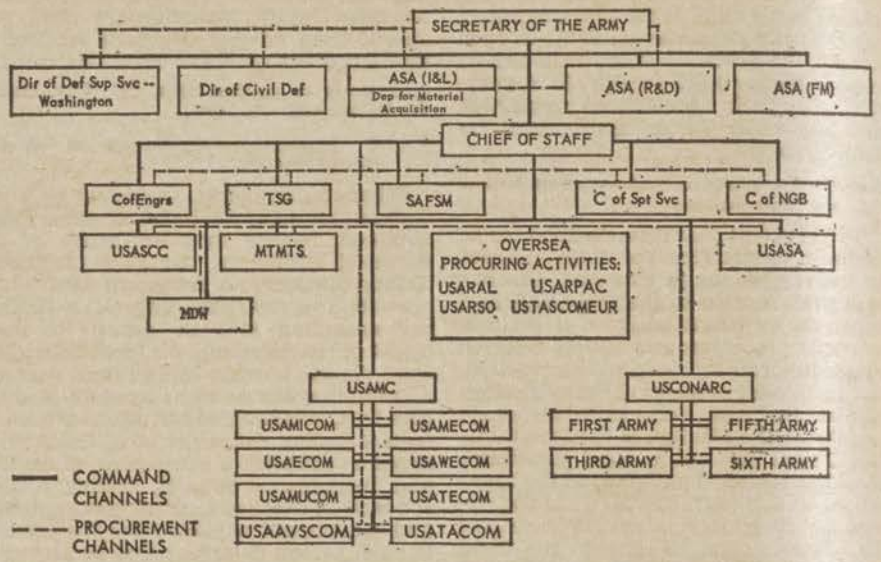
(6) Actions under Public Law 85–804, and

(7) Other significant actions and matters relating to procurement policy.

* * * * *

(e) When regulations require submission of documents listed in paragraph (c) of this section to a Head of Procuring Activity or higher authority, the commander, his deputy, or the staff officer responsible for procurement shall sign the correspondence at each echelon through which processed.

(f) Flow of procurement authority:



§ 591.307 Priorities, allocations, and allotments.

* * * * *

(b) Since the use of priorities and allocations is limited to procurements placed with U.S. suppliers, the Deputy Chief of Staff for Logistics has not redelegated his authorities to oversea commanders. Should an oversea commander be authorized to place a procurement directly with a U.S. supplier and a priority rating be required to obtain timely delivery, a request for a priority rating shall be submitted to HQDA (DALO–MAE–I) containing the following information—

* * * * *

§ 591.350–5 Extensions beyond fourth.

* * * * *

(c) The Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics) for all other procuring activities.

§ 591.350–7 Exceptions.

* * * * *

(k) Contracts providing for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

§ 591.401–50 Exercise of functions of Head of Procuring Activity.

* * * * *

(a) * * *

(1) U.S. Army Research Offices, Durham, N.C., and Arlington, Va.; and

* * * * *

§ 591.401–51 Purchasing offices not assigned to a Head of Procuring Activity.

The Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), shall exercise the functions of Head of Procuring Activity for any purchasing office within the Department of the Army which has not otherwise been assigned to a Head of Procuring Activity.

§ 591.403–52 Review of contracts and modifications.

* * * * *

(e) * * *

(1) Contracts for utilities services (see § 591.450–6), contracts for employing personnel in Army dependent schools, contracts for contract surgeons, off-duty academic instruction contracts, educational service agreements; and modifications thereto;

* * * * *

§ 591.405 Selection, appointment, and termination of appointment of contracting officers.

(a) * * *

(3) The Deputy or Assistant Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics);

* * * * *

(e) Organizational charts of each Army purchasing office are maintained on file in the office of the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). Accordingly, whenever the organization of an Army purchasing office is changed, one copy of the revised organizational chart shall be forwarded the addressee in § 591.150(b)(6) (see § 591.150(d)).

§ 591.452–1 Policy.

* * * * *

(b) * * *

(3) The functions of an ordering officer are an added duty of the individual

selected for appointment, not the primary or major portion of his duties; and the individual has the time available to perform the ordering officer functions without assistance from others and without redelegating his authority to others; and

* * * * *

§ 591.452–4 Surveillance.

* * * * *

(b) At least twice each year activities of ordering officers shall be physically inspected or reviewed through examination of his purchase documents and records by the appointing authority or his designee, an individual well qualified in procurement procedures used by ordering officers.

* * * * *

§ 591.1050–1 Proposed contract awards of $1 million or more.

* * * * *

(b) Contracting officers shall telephone the information in the sequence in § 591.1050–3 to the Chief Procurement Statistics Office, Data Processing Center, Office of the Deputy Chief of Staff for Logistics, HQDA (DALO–DCP), at OXford 5–3032, OXford 7–2016, or OXford 5–3058, at least twenty (20) working hours before award (based on an 8-hour day, exclusive of Saturdays, Sundays, and Federal legal holidays), except that—

* * * * *

(c) No award shall be made before 1500 hours Washington, D.C. time without prior approval obtained through the ODCSLOG Procurement Statistics Office (see paragraph (b) of this section).

* * * * *

§ 591.1050–2 Contracts under $1 million.

(a) Contracting officers shall furnish the information called for in § 591.1050–3 for all contracts under $1 million which are of significant local community or congressional interest or which have public relations aspect by mail or message directed to Department of the Army, Attention: SACLL, Washington, D.C. 20310, or by telephone to the Special Operations Division, SACLL, at OXford 7-4417.

* * * * *

§ 591.5003 Determination and referral for hearing.

(a) The Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), shall determine whether the matter shall be referred for a hearing. When he determines that the matter shall be so referred, he shall advise the Chairman of the Armed Services Board of Contract Appeals [ASBCA] in writing of his determination and request that the case be heard by a division of the Board. The request for hearing shall contain sufficient information to permit the Board Recorder to provide due notice to the contractor.

(b) The Deputy for Materiel Acquisition shall furnish the files in the case to The Judge Advocate General, Attention: Chief, Contract Appeals Division, for use of Government counsel.

* * * * *

§ 591.5005 Withholding of funds.

Pending determination of the Deputy for Materiel Acquisition as to referral of a case to the Board and a decision of the Board if a hearing is recommended, the contracting officer administering the contract or contracts involved shall withhold from payments otherwise due the contractor a sum equivalent to ten times the estimated costs of the gratuities alleged to have been offered or given by the contractor, his agents, or other representatives, in violation of the Gratuities clause.

§ 591.5006 Post-hearing actions.

* * * * *

(b) The Deputy for Materiel Acquisition shall promptly furnish the contractor with a copy of the Secretarial decision. He shall also advise the cognizant Head of Procuring Activity of the Secretarial decision, who is turn shall furnish notification and instructions to the contracting officer without delay.

(c) At the conclusion of the case, the Board Recorder shall forward all files in the matter to the Office of The Judge Advocate General which shall serve as the Office of Record for cases brought for hearing under 10 U.S.C. 2207. With the approval of the Deputy for Materiel Acquisition, the Office of Record may make available to persons properly and directly concerned matters of official record pertaining to the case.

§ 591.5102 Delegations of authority.

* * * * *

APPENDIX TO § 591.5102 DELEGATIONS OF AUTHORITY

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

OCTOBER 29, 1971.

Ref No.: SAOSA–71–1

DELEGATION OF AUTHORITY TO APPROVE THE PUBLICATION OF ADVERTISEMENTS, NOTICES OR PROPOSALS

1. Pursuant to title 5, United States Code, section 302(b)(2), and section IV part 8 of the Armed Services Procurement Regulation, I hereby delegate, without authority to redelegate further except as stated below, the authority to approve the publication of advertisements, notices or proposals in newspapers, subject to the limitations in 44 United States Code 3701, 3702, and 3703, to:

Heads of Procuring Activities with authority to redelgate to their Deputies, Principal Assistants Responsible for Procurement, or installation/activity commanders
The Adjutant General.
Director of Civilian Personnel, U.S. Army.
Civilian Personnel Officer, Staff Civilian Personnel Division, Office, Chief of Staff, Department of the Army.
Director of Personnel and Training, U.S. Army Materiel Command.
Chief, U.S. Army Audit Agency.
Chief, Personnel Administration, Office of the Chief of Engineers.
Commanding General, U.S. Army Recruiting Command.
Division Engineers, Corps of Engineers.
Commander, U.S. Army Safeguard System Evaluation Agency.

2. Procedures prescribed in section IV Part 8 of the Armed Services Procurement Regulation shall be used in actions taken pursuant to this delegation of authority.

3. The foregoing delegation of authority becomes effective on November 1, 1971 and, as of that date, Delegation of Authority SAOSA–71–1, May 28, 1971, subject: Delegation of Authority to Approve the Publication of Advertisements, Notices or Proposals, is superseded without prejudice to any action taken pursuant thereto.

DUDLEY C. MECUM,
Assistant Secretary of the Army,
(Installations and Logistics).

* * * * *

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

AUGUST 3, 1971.

Ref No. SAOSA–71–7

DELEGATION OF AUTHORITY TO CONTRACT FOR PUBLIC UTILITY SERVICES (POWER, GAS, WATER, AND COMMUNICATIONS) FOR PERIODS NOT EXCEEDING 10 YEARS

1. Under Department of Defense Directive 5100.32, June 23, 1971, subject: Delegation of Authority with Respect to Contracts for the Procurement of Public Utility Services, I hereby delegate (i) to the Chief of Engineers as the Department of the Army Power Procurement Officer, the authority to enter into contracts for public utility services (power, gas, and water), and (ii) to the Commanding Generals, U.S. Army Strategic Communications Command and U.S. Continental Army Command, the authority to enter into contracts for communications services, for periods extending beyond a current fiscal year but not exceeding 10 years under one or more of the following circumstances:

a. Where there are obtained lower rates, larger discounts, or more favorable conditions of service than those available under contracts the firm term of which would not extend beyond a current fiscal year.

b. Where connection or special facility charges payable under contracts the firm term of which would not extend beyond a current fiscal year are eliminated or reduced.

c. Where the utility company refuses to render the desired service except under a contract the firm term of which extends beyond a current fiscal year.

2. The authority delegated in paragraph 1 above may be redelegated (i) with respect to contracts for power, gas, and water, to the Deputy Department of the Army Power Procurement Officer, and (ii) with respect to contracts for communications services to a level no lower than chiefs of purchasing offices.

3. This authority shall be exercised strictly in accordance with the applicable provisions of the "Statement of Areas of Understanding Between the Department of Defense and General Services Administration" entitled "Procurement of Utility Services (Power, Gas, Water)," 15 Federal Register 8227 (1950), and "Procurement of Communication Services," 15 Federal Register 8226 (1950).

4. Unless distribution thereof is inadvisable for reasons of security, copies of contracts executed under the authority of this delegation and other pertinent data and information with respect thereto shall be furnished to the General Services Administration.

5. The foregoing delegation of authority supersedes, without prejudice to any action

taken pursuant thereto, REF NO: SAOSA–71–7, 8 May 1971, subject: Delegation of Authority to Contract for Public Utility Services (Power, Gas, Water, and Communications) For Periods Not Exceeding 10 Years.

EUGENE M. BECKER,
Assistant Secretary of the Army,
(Financial Management).

* * * * *

PART 592—PROCUREMENT BY FORMAL ADVERTISING

2. Sections 592.406–3(b) and 592.407–8 (d)(2), (h) and (i) are amended, as follows:

§ 592.406–3 Other mistakes.

* * * * *

(b) Authority is delegated to the individuals named in § 2.406–3(b)(1) of this title to make determinations described in § 2.406–3(a) (2), (3), and (4) of this title. Contracting officers shall submit cases for determination by the Deputy or Assistant Deputy for Materiel Acquisition, OASA (I&L), directly the addresses in § 591.150(b)(6) of this chapter, concurrently furnishing the cognizant Head of Procuring Activity an information copy.

* * * * *

§ 592.407–8 Protests against award.

* * * * *

(d) * * *

(2) Those cases emanating in purchasing offices under the jurisdiction of the Chief of Engineers shall be forwarded to the Chief of Engineers, address: HQDA (DAEN–GCZ–M). The Chief of Engineers shall in turn forward protests directly to the Comptroller General;

* * * * *

(h) When a protest is filed directly with the Comptroller General, the cognizant Head of Procuring Activity shall be notified by the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). The Head of Procuring Activity shall in turn notify the contracting officer concerned and the contracting officer shall promptly forward the information prescribed in paragraph (b) of this section together with any other documentation specifically requested by the Comptroller General. Cases shall be forwarded in accordance with paragraphs (d) (1), (2), or (4) of this section.

(i) Because of the sensitivity of many protests filed with the Comptroller General, no award will be made under the provisions of § 2.407–8(b)(2) of this title without prior approval of the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). Furthermore, unless otherwise authorized by the Deputy for Materiel Acquisition, all informal contacts with the Comptroller General shall be made by the Office of the Assistant Secretary of the Army (Installations and Logistics). Such contacts include advising the Comptroller General in appropriate cases of the intent of the Department of the Army to make an award prior to the resolution of the protest.

* * * * *

PART 593—PROCUREMENT BY NEGOTIATION

3. Sections 593.207–3, 593.607–4 (b) and (c), 593.608–50 (c) and (e) and 593.1100–2 (b) and (c) are amended; as follows:

§ 593.207–3 Limitation.

Procurement shall not be made under this authority unless consistent with Subpart L, Part 5 of this title and AR 40–61.

§ 593.607–4 Procedures.

* * * * *

(b) COD orders shall be placed only when the price of an item has been obtained by verbal or written quotation or has been taken from the supplier's current catalog or pricelist. COD orders shall not be placed based upon "ceiling" prices.

(c) Contracting or ordering officers shall authorize imprest fund purchases made by use of Standard Forms 1165 by signing the form in the block entitled "Purpose."

§ 593.608–50 Use of DD Form 1155 for shipments to Army attaches.

* * * * *

(c) Shipments shall be addressed to—

U.S. Army Attaché [City—Country], HQDA (DAMI–DOC), Washington, D.C. 20310.

* * * * *

(e) Two copies of DD Form 1155, clearly indicating thereon the addressee to whom they are to be returned, shall be mailed by the contracting officer at the time the order is placed to—

HQDA (DAMI–DOC), Washington, D.C. 20310.

* * * * *

§ 593.1100–2 Review of decision to lease.

* * * * *

(b) Requests for approval of ADPE to be leased on a noncompetitive basis shall be forwarded to the Assistant Secretary of Defense (Comptroller) through the Office, Assistant Vice Chief of Staff, Department of the Army, address: HQDA (DACS–CM), and shall include the justification specified in § 15.205–48(d) of this title.

(c) Requests for technical ADP assistance pursuant to § 3.1100–2(c) of this title shall be directed to the Office, Assistant Vice Chief of Staff, Department of the Army, address: HQDA (DACS–CM).

PART 594—SPECIAL TYPES AND METHODS OF PROCUREMENT

4. The table of contents of this part is amended by adding a new Subpart EEE; § 594.108–50 is revised; §§ 594.5503(h)(1) and (3) and 594.5505(b) are amended; and Subpart EEE is added, as follows:

§ 594.108–50 Annual reports.

An annual report on Grants for Basic Scientific Research and Transfer of Title to Government Equipment (Public Law 85–934), Reports Control Symbol DD–I&L(A) 598, shall be prepared and submitted by Army agencies listed in AR 70–5 on DA Forms 2697–R in accordance with instructions therein.

§ 594.5503 Order forms under educational service agreements.

* * * * *

(h) * * *

(1) The Surgeon General, address: HQDA (DASG–PTC), for Army Medical Department personnel;

* * * * *

(3) The Chief of Personnel Operations, address: HQDA (DAPO–EPO–RS), for other Army personnel.

§ 594.5505 Contracts with commercial and industrial firms.

* * * * *

(b) Questions of policy with respect to training of Army Medical Department personnel in commercial and industrial firms shall be referred to The Surgeon General, HQDA (DASG–PTC). Questions of policy with respect to training other Army personnel in commercial and industrial firms shall be referred to the Chief of Personnel Operations, HQDA (DAPO–EPO–RS).

Subpart EEE—Procurement of Bell System Practices

Sec.

594.5701	Scope of subpart.
594.5702	Definition.
594.5703	Responsibilities.
594.5704	Procedures.
594.5704–1	Ordering BSP for existing communications equipment and facilities.
594.5704–2	Ordering new communications equipment and facilities from WECO.

AUTHORITY: The provisions of this Subpart EEE issued under secs. 2301–2314, 3012, 70 Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart EEE—Procurement of Bell System Practices

§ 594.5701 Scope of subpart.

This subpart prescribes procedures for the procurement of Bell System Practices [BSP] and as applicable to all Department of the Army installations, commands, and agencies concerned with the installation, operation, or maintenance of commercial type communications equipment and facilities where BSP are a requirement.

§ 594.5702 Definition.

Bell System Practices are a series of publications of the American Telephone and Telegraph Co. [A.T. & T.] containing detailed information and standard practices relating to engineering, installation, maintenance, operation, and administration of Western Electric Co. [WECO] equipment and facilities.

§ 594.5703 Responsibilities.

(a) In connection with existing communications equipment, the Commanding General, U.S. Army Strategic Communications Command, has delegated to the Commanding General, U.S. Army Communications-Electronics Engineering Installation Agency, the responsibility for—

(1) Reviewing and processing all requests for BSP;

(2) Performing direct procurement of BSP in accordance with procedures established by the Department of Defense; and

(3) Programing and budgeting for procurement of BSP.

(b) Heads of Procuring Activities are responsible for insuring that applicable BSP are included in contracts for new communications equipment and facilities procured from WECO as items to be purchased from the contractor.

§ 594.5704 Procedures.

§ 594.5704–1 Ordering BSP for existing communications equipment and facilities.

(a) All orders for BSP shall be submitted by letter request to the Commanding General, U.S. Army Communications-Electronics Engineering Installation Agency [USA CEEIA], Attention: SCCC–LOG–RC, Fort Huachuca, Ariz. 85613, with information copy to the Commanding General, U.S. Army Strategic Communications Command, Attention: SCC–LOG–S, Fort Huachuca, Ariz. 85613.

(b) Letter requests shall include—

(1) A listing of the BSP required;

(2) Quantities required;

(3) Shipping and mailing address; and

(4) Justification for the need for the BSP and identification of the types of equipment or facilities or other information which support the need.

(c) Individual BSP or complete divisions may be ordered. A division is a broad grouping of individual BSP by types of systems, equipments, or major categories of information. For individual BSP, the complete number shall be listed. When ordering complete divisions, the applicable division number shall be listed followed by the notation "Complete Division."

(d) When processing orders for BSP from the Army, A.T. & T. follows a back order procedure in that if a particular BSP is not available at the time of the order, it will be back ordered for later shipment. Any BSP requested but not received need not be reordered by the requesting agency.

(e) The requesting agency shall acknowledge to the addressee in paragraph (a) of this section receipt of all BSP ordered.

§ 594.5704–2 Ordering new communications equipment and facilities from WECO.

(a) Applicable BSP shall be individually identified in the equipment procurement contract as items to be purchased from the contractor.

(b) In addition to any other clause pertaining to data prescribed in Subchapter A of this title, the following clause shall be included in all contracts for the purchase of BSP—

BELL SYSTEM PRACTICES (BSP) (DEC. 1971)

(a) Notwithstanding any other provisions of this contract relating to technical data, the Government's rights with respect to any BSP specified to be delivered under this contract, which BSP bears the following legend, shall be limited to those rights stated in the legend:

"This Bell System Practice is furnished for use only for Department of Defense or Coast Guard purposes in the interest of national defense. It will not be sold or disposed of to other Government agencies or to anyone outside the Government. The contents thereof will not be reproducible in whole or in part except for such purposes and upon such terms and conditions as may be agreed to in writing by the American Telephone and Telegraph Co. Nothing contained herein shall imply or grant a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent."

(b) No limitation on rights of use shall be asserted as to any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this clause shall not impair the right of the Government to use similar or identical data not originated by the Bell System.

(c) The BSP called for herein are primarily issued, replaced, or revised, as circumstances warrant, for the use of Bell System personnel. No guarantee can be made that all of such BSP will be available, either as such or as a reissue or replacement, at the time delivery is required hereunder and the Contractor assumes no liability in the event of failure to deliver, except as to an equipment adjustment in price if warranted. The immediately preceding sentence of this clause shall not be applicable to BSP called for herein which cover equipment, if any, also called for herein.

PART 596—FOREIGN PURCHASES

5. Section 596.1106–3(b) is amended, as follows:

§ 596.1106–3 Awards requiring approval by higher authority.

* * * * *

(b) The Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics) has been delegated the authority to determine whether a proposed procurement described in § 6.1106–3 of this title shall be made payable in United States-owned foreign currency or in U.S. dollars.

PART 598—TERMINATION OF CONTRACTS

6. Section 598.602–3 (a) and (b) are amended, as follows:

§ 598.602–3 Procedure for default.

(a) Contracts which involve outstanding guaranteed loans, progress payments, or advance payments, except where the contractor is in bankruptcy, shall be terminated for default only after the procuring activity has coordinated the action with the U.S. Army Materiel Command, the U.S. Continental Army Command, or the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), as applicable. In addition, prior to termination, all such cases except those involving bankruptcy shall be coordinated with the Director of Contract Financing, Office of the Comptroller of the Army [the addressee in § 591.150(b)(5) of this chapter] who shall coordinate when necessary with the contract financing offices of other Military Departments. Cases forwarded shall include the following data—

* * * * *

(b) Copies of notices of intent to terminate any small business contractor for default shall be furnished the nearest Regional Office of the Small Business Administration [SBA] after coordination with the Small Business and Labor Surplus Advisor serving the purchasing office. The SBA Regional Office will determine whether the contractor has any outstanding loans which were made with SBA's participation or any Certificates of Competency which were issued by SBA. Contracts involving a small business contractor to whom a Certificate of Competency was issued or to whom loans were made with SBA's participation shall not be terminated for default without prior written approval of the Head of Procuring Activity.

* * * * *

PART 599—PATENTS, DATA, AND COPYRIGHTS

7. Section 599.304–2 is amended, as follows:

§ 599.304–2 Review of agreements.

Proposed foreign license and technical assistance agreements between domestic concerns and foreign governments or concerns forwarded to the Department of the Army pursuant to § 9.304–1 of this title shall be forwarded through the cognizant Head of Procuring Activity for review by appropriate patent and technical personnel in accordance with § 9.304–2 of this title (see § 591.150(d) of this chapter). Comments and recommendations of the Head of Procuring Activity reviewing such agreements shall be forwarded to the Deputy Chief of Staff for Logistics, PEMA Executive Division, Industrial Defense Branch, address: HQDA (DALO–MAE–F).

PART 600—BONDS, INSURANCE, AND INDEMNIFICATION

8. Sections 600.110 and 600.112(d)(3) are amended; § 600.352 is revised, as follows:

§ 600.110 Substitution of surety bonds.

Requests for approval of acceptance of a new surety bond for a bond previously approved shall be forwarded to The Judge Advocate General, address: HQDA (DAJA–PLB).

§ 600.112 Execution and administration of bonds and consents of surety.

* * * * *

(d) * * *

(3) Bid bonds (except annual bid bonds);

* * * * *

§ 600.352 Coordination with Departments of the Navy and Air Force.

(a) Where the Departments of the Navy or Air Force have an interest in a

contractor's insurance program, coordination shall be effected—

(1) For the Navy with the Headquarters Naval Material Command, Contract Insurance Branch, MAT–0242, Department of the Navy, Washington, D.C. 20360; and

(2) For the Air Force with the Headquarters Air Force Contract Management Division, AFSC, AF Unit Post Office, Los Angeles, Calif. 90045, attention: CMKOI.

(b) Prior approval of a contractor's insurance program by another Military Department shall be considered by a Head of Procuring Activity in determining the adequacy of the contractor's program and shall be accepted, subject to whatever modification may be appropriate.

PART 601—TAXES

9. Section 601.000(a) is amended, as follows:

§ 601.000 Resolution of tax problems.

(a) Actual or anticipated tax problems which cannot readily be solved by reference to Part 11 of this title shall be forwarded to The Judge Advocate General, address: HQDA (DAJA–PL), through procurement channels (see § 591.150(d)). Direct communication with The Judge Advocate General is authorized if the time by which a solution to a tax problem is required is so short that communication through channels would be inadequate.

* * * * *

PART 602—LABOR

10. Section 602.102–4(f) is amended, as follows:

§ 602.102–4 Approval of overtime premiums in certain cost-reimbursement type contracts.

* * * * *

(f) Such others as may be specifically designated from time to time by the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics).

PART 603—GOVERNMENT PROPERTY

11. Section 603.301(d) is amended; §§ 603.801 and 603.803 are revised, as follows:

§ 603.301 Providing facilities.

* * * * *

(d) Requests for approval for acquisition of ADPE to be acquired on a noncompetitive basis shall be forwarded to the Assistant Secretary of Defense (Comptroller) through the Office, Assistant Vice Chief of Staff, Department of the Army, address: HQDA (DACS–CM), and shall include the justification specified in § 15.205–48(d) of this title.

§ 603.801 Appointment of property administrator.

Individuals authorized to appoint property administrators shall follow the same procedures as are prescribed in § 591.406–50 of this chapter for the designation of contracting officers' representatives.

§ 603.803 Records of Government property.

(a) The Head of Procuring Activity may name the head of one or more Department of the Army purchasing offices as his designee to approve exceptions to the policy of using a contractor's records of Government property as the official records.

(b) Policies and procedures governing the transfer of military property to contractors and accounting for such property in instances where the exception in paragraph (a) of this section is applied are contained in AR 735–71 and AR 735–72. AR 735–71 provides that, where Government property is lost or damaged and the property administrator is unable to exhibit conclusive proof of receipt of the items by a contractor, the property shall be accounted for on a Report of Survey (DD Form 200, Standard Form 361, or DD Form 1599) in accordance with AR 735–11.

PART 606—PROCUREMENT FORMS

12. Section 606.5003(c) is amended and a new paragraph (f) is added, as follows:

§ 606.5003 Reproducible masters.

* * * * *

(c) If the cognizant Head of Procuring Activity approves the use of the reproducible masters requested, he shall forward the approval to HQDA (DAAG–PAM) for authority to purchase reproducible masters locally in accordance with AR 310–1.

* * * * *

(f) Contracting officers are not required to obtain authority for the use of reproducible masters stocked in publications depots. Such reproducible masters may be obtained by requisition upon the publications depots.

[Rev. 7, Jan. 10, 1972] (Secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012).

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72–5376 Filed 4–7–72;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7177]

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

Taxation of Exempt Organizations on Rents from Property, and Interest, Rents, etc., from Controlled Organizations

On June 9, 1971, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 512(b) of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 121(b)(2)(A) and (C) of the Tax Reform Act of 1969 (83 Stat. 538) was published in the FEDERAL REGISTER (36 F.R. 11100). After consideration of all such relevant matters as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Paragraphs (c) and (l) of § 1.512(b)–1, as set forth in paragraph 2 of the notice of proposed rule making, are revised as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 3, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 512(b) of the Internal Revenue Code of 1954 to section 121(b)(2)(A) and (C) of the Tax Reform Act of 1969 (83 Stat. 538), such regulations are amended as follows:

PARAGRAPH 1. Section 1.512(b) is amended by revising paragraph (3) of section 512(b) and by adding at the end thereof a new paragraph (15) and by revising the historical note. These amended and added provisions read as follows:

§ 1.512(b) Statutory provisions; unrelated business taxable income; modifications.

SEC. 512. *Unrelated business taxable income.* * * *

(b) *Modifications.* * * *

(3) In the case of rents—

(A) Except as provided in subparagraph (B), there shall be excluded—

(i) All rents from real property (including property described in section 1245(a)(3)(C)), and

(ii) All rents from personal property (including for purposes of this paragraph as personal property any property described in section 1245(a)(2)(B)) leased with such real property, if the rents attributable to such personal property are an incidental amount of the total rents received or accrued under the lease, determined at the time the personal property is placed in service.

(B) Subparagraph (A) shall not apply—

(i) If more than 50 percent of the total rent received or accrued under the lease is attributable to personal property described in subparagraph (A)(ii), or

(ii) If the determination of the amount of such rent depends in whole or in part on the income or profits derived by any person from the property leased (other than an amount based on a fixed percentage or percentages of receipts or sales).

(C) There shall be excluded all deductions directly connected with rents excluded under subparagraph (A).

* * * * *

(15) Notwithstanding paragraphs (1), (2), or (3), amounts of interest, annuities, royalties, and rents derived from any organization

(in this paragraph called the "controlled organization") of which the organization deriving such amounts (in this paragraph called "controlling organization") has control (as defined in section 368(c)) shall be included as an item of gross income (whether or not the activity from which such amounts are derived represents a trade or business or is regularly carried on) in an amount which bears the same ratio as—

(A) (i) In the case of a controlled organization which is not exempt from taxation under section 501(a), the excess of the amount of taxable income of the controlled organization over the amount of such organization's taxable income which if derived directly by the controlling organization would not be unrelated business taxable income, or

(ii) In the case of a controlled organization which is exempt from taxation under section 501(a), the amount of unrelated business taxable income of the controlled organization, bears to,

(B) The taxable income of the controlled organization (determined in the case of a controlled organization to which subparagraph (a)(ii) applies as if it were not an organization exempt from taxation under section 501(a)), but not less than the amount determined in clause (i) or (ii), as the case may be, of subparagraph (A),

both amounts computed without regard to amounts paid directly or indirectly to the controlling organization. There shall be allowed all deductions directly connected with amounts included in gross income under the preceding sentence.

* * * * *

[Sec. 512(b) as amended by Act of Apr. 7, 1958 (Public Law 85-367, 72 Stat. 80); Act of July 17, 1964 (Public Law 88-380, 78 Stat. 333); sec. 121(b)(2)(A) and (C) of the Tax Reform Act 1969 (83 Stat. 538)]

PAR. 2. Section 1.512(b)-1 is amended by revising paragraph (c) and adding at the end thereof a new paragraph (l). These amended and added provisions read as follows:

§ 1.512(b)-1 Modifications.

* * * * *

(c) *Rents*—(1) *Taxable years beginning before January 1, 1970.* For taxable years beginning before January 1, 1970, rents from real property (including personal property leased with the real property) and the deductions directly connected therewith shall be excluded in computing unrelated business taxable income, except that certain rents from, and certain deductions in connection with, a business lease (as defined in section 514(f) shall be included in computing unrelated business taxable income. See subparagraph (5) of this paragraph for rules governing amounts received for the rendering of services.

(2) *Taxable years beginning after December 31, 1969*—(i) *In general.* For taxable years beginning after December 31, 1969, except as provided in subdivision (iii) of this subparagraph, rents from property described in subdivision (ii) of this subparagraph, and the deductions directly connected therewith, shall be excluded in computing unrelated business taxable income. However, notwithstanding subdivision (ii) of this subparagraph, certain rents from and certain deductions in connection with either debt-financed property (as defined in section 514(b)) or property rented to controlled organizations (as defined in paragraph (l) of this section) shall be included in computing unrelated business taxable income.

(ii) *Excluded rents.* The rents which are excluded from unrelated business income under section 512(b)(3)(A) and this paragraph are—

(*a*) *Real property.* All rents from real property; and

(*b*) *Personal property.* All rents from personal property leased with real property if the rents attributable to such personal property are an incidental amount of the total rents received or accrued under the lease, determined at the time the personal property is first placed in service by the lessee.

For purposes of the preceding sentence, rents attributable to personal property generally are not an incidental amount of the total rents if such rents exceed 10 percent of the total rents from all the property leased. For example, if the rents attributable to the personal property leased are determined to be $3,000 per year, and the total rents from all property leased are $10,000 per year, then such $3,000 amount is not to be excluded from the computation of unrelated business taxable income by operation of section 512(b)(3)(A)(ii) and this paragraph, since such amount is not an incidental portion of the total rents.

(iii) *Exception.* Subdivision (ii) of this subparagraph shall not apply, if either—

(*a*) *Excess personal property rents.* More than 50 percent of the total rents are attributable to personal property, determined at the time such personal property is first placed in service by the lessee; or

(*b*) *Net profits.* The determination of the amount of such rents depends in whole or in part on the income or profits derived by any person from the property leased, other than an amount based on a fixed percentage or percentages of the gross receipts or sales. For purposes of the preceding sentence, the rules contained in paragraph (b)(1) of § 1.856-4 shall apply.

(iv) *Illustration.* This subparagraph may be illustrated by the following example:

Example. A, an exempt organization, owns a printing factory which consists of a building housing two printing presses and other equipment necessary for printing. On January 1, 1971, A rents the building and the printing equipment to B for $10,000 a year. The lease states that $9,000 of such rent is for the building and $1,000 for the printing equipment. However, it is determined that notwithstanding the terms of the lease $4,000, or 40 percent ($4,000/$10,000), of the rent is actually attributable to the printing equipment. During 1971, A has $3,000 of deductions, all of which are properly allocable to the land and building. Under these circumstances, A shall not take into account in computing its unrelated business taxable income the $6,000 of rent attributable to the building and the $3,000 of deductions directly connected with such rent. However, the $4,000 of rent attributable to the printing equipment is not excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3)(A)(ii) or this paragraph since such rent represents more than an incidental portion of the total rents.

(3) *Definitions and special rules.* For purposes of subparagraph (2) of this paragraph—

(i) *Real property defined.* The term "real property" means all real property, including any property described in sections 1245(a)(3)(C) and 1250(c) and the regulations thereunder.

(ii) *Personal property defined.* The term "personal property" means all personal property, including any property described in section 1245(a)(3)(B) and the regulations thereunder.

(iii) *Multiple leases.* If separate leases are entered into with respect to real and personal property, and such properties have an integrated use (e.g., one or more leases for real property and another lease or leases for personal property to be used upon such real property), all such leases shall be considered as one lease.

(iv) *Placed in service.* Property is "placed in service" by the lessee when it is first subject to his use in accordance with the terms of the lease. For example, property subject to a lease entered into on November 1, 1971, for a term commencing on January 1, 1972, shall be considered as placed in service on January 1, 1972, regardless of when the property is first actually used by the lessee.

(v) *Changes in rent charged or personal property rented.* If—

(*a*) By reason of the placing of additional or substitute personal property in service, there is an increase of 100 percent or more in the rent attributable to all the personal property leased, or

(*b*) There is a modification of the lease by which there is a change in the rent charged (whether or not there is a change in the amount of personal property rented),

the rent attributable to personal property shall be recomputed to determine whether the exclusion under subparagraph (2)(ii)(*b*) of this paragraph or the exception under subparagraph (2)(iii)(*a*) of this paragraph applies. Any change in the treatment of rents, attributable to a recomputation under this subdivision, shall be effective only with respect to rents for the period beginning with the event which occasioned the recomputation.

(4) *Examples.* Subparagraphs (2) and (3) of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1971, A, an exempt organization, executes two leases with B. One is for the rental of a computer, with a stated annual rental of $750. The other is for the rental of office space in which to use the computer, at a stated annual rental of $7,250. The total annual rent under both leases for 1971 is $8,000. At the time the computer is first placed in service, however, taking both leases into consideration, it is determined that notwithstanding the terms of the leases, $3,000, or 37.5 percent ($3,000/$8,000), of the rent is actually attributable to the computer. Therefore, for 1971, only the $5,000 ($8,000—$3,000) attributable to the rental of the office space is excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3).

Example (2). Assume the facts as stated in example (1). Assume further that the leases to which the computer and office space are subject in example (1) provide that the rent may be increased or decreased, depending upon the prevailing rental value for similar computers and office space. On January 1, 1972, the total annual rent is increased in the computer lease to $2,000, and in the office space lease to $9,000. For 1972, it is determined that notwithstanding the terms of the leases $6,000, or 54.5 percent ($6,000/$11,000), of the total rent is actually attributable to the computer as of that time. Even though the rent attributable to personal property now exceeds 50 percent of the total rent, the rent attributable to real property will continue to be excluded, since there was no modification of the terms of the leases and since the increase in the rent was not attributable to the placing of new personal property in service. See subparagraph (3)(v) of this paragraph. Thus, for 1972 the $5,000 of rent attributable to the office space continues to be excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3).

Example (3). Assume the facts as stated in example (1), except that on January 1, 1973, B rents a second computer from A, which is placed in service on that date. The total rent is increased to $2,000 for the computer lease and to $10,000 for the office space lease. It is determined at the time the second computer is first placed in service that notwithstanding the terms of the leases $7,000 of the rent is actually attributable to the computers. Since the rent attributable to personal property has increased by more than 100 percent ($4,000/$3,000=133 percent), a redetermination must be made pursuant to subparagraph (3)(v)(*a*) of this paragraph. As a result, 58.3 percent ($7,000/$12,000) of the total rent is determined to be attributable to personal property. Accordingly, since more than 50 percent of the total rent A receives is attributable to the personal property leased, none of the rents are excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3).

Example (4). Assume the facts as stated in example (3), except that on June 30, 1975, the lease between B and A is modified. The total rent for the computer lease is reduced to $1,500 and the total rent for the office space lease is reduced to $7,500. Pursuant to subdivision (3)(v)(*b*) of this paragraph, a redetermination is made as of June 30, 1975. As of the modification date, it is determined that notwithstanding the terms of the leases, the rent actually attributable to the computers is $4,000, or 44.4 percent ($4,000/$9,000), of the total rent. Since less than 50 percent of the total rent is now attributable to personal property, the rent attributable to real property ($5,000), for periods after June 30, 1975, is excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3). However, the rent attributable to personal property ($4,000) are not excluded from unrelated business taxable income for such periods by operation of section 512(b)(3), since it represents more than an incidental portion of the total rents.

(5) *Rendering of services.* For purposes of this paragraph, payments for the use or occupancy of rooms and other space where services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, motor courts, or motels, or for the use or occupancy of space in parking lots, warehouses, or storage garages, does not constitute rent from real property. Generally, services are considered rendered to the occupant if they are primarily for his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such service; whereas the furnishing of heat and light, the cleaning of public entrances, exists, stairways, and lobbies, the collection of trash, etc., are not considered as services rendered to the occupant. Payments for the use or occupancy of entire private residences or living quarters in duplex or multiple housing units, of offices in any office building, etc., are generally treated as rent from real property.

* * * * *

(l) *Interest, annuities, royalties, and rents from controlled organizations*—(1) *In general.* For taxable years beginning after December 31, 1969, if an exempt organization (hereinafter referred to as the "controlling organization") has control (as defined in subparagraph (4) of this paragraph) of another organization (hereinafter referred to as the "controlled organization"), the controlling organization shall include as an item of gross income in computing its unrelated business taxable income, the amount of interest, annuities, royalties, and rents derived from the controlled organization determined under subparagraph (2) or (3) of this paragraph. The preceding sentence shall apply whether or not the activity conducted by the controlling organization to derive such amounts represents a trade or business or is regularly carried on. Thus, amounts received by a controlling organization from the rental of its real property to a controlled organization may be included in the unrelated business taxable income of the controlling organization, even though the rental of such property is not an activity regularly carried on by the controlling organization.

(2) *Exempt controlled organization*—(i) *In general.* If the controlled organization is exempt from taxation under section 501(a), the amount referred to in subparagraph (1) of this paragraph is an amount which bears the same ratio to the interest, annuities, royalties, and rents received by the controlling organization from the controlled organization as the unrelated business taxable income of the controlled organization bears to whichever of the following amounts is the greater—

(*a*) The taxable income of the controlled organization, computed as though the controlled organization were not exempt from taxation under section 501(a), or

(*b*) The unrelated business taxable income of the controlled organization,

both determined without regard to any amounts paid directly or indirectly to the controlling organization. The controlling organization shall be allowed all deductions directly connected with amounts included in gross income under the preceding sentence.

(ii) *Examples.* This subparagraph may be illustrated by the following examples:

Example (1). A, an exempt scientific organization described in section 501(c)(3), owns all the stock of B, another exempt scientific organization described in section 501(c)(3). During 1971, A rents space for a laboratory to B for $15,000 a year. A's total deductions for 1971 with respect to the leased property are $3,000: $1,000 for maintenance and $2,000 for depreciation. If B were not an exempt organization, its total taxable income would be $300,000, disregarding rent paid to A. B's unrelated business taxable income, disregarding rent paid to A, is $100,000. Under these circumstances, $4,000 of the rent paid by B will be included by A as net rental income in determining its unrelated business taxable income, computed as follows:

B's unrelated business taxable income (disregarding rent paid to A)	$100,000
B's taxable income (computed as though B were not exempt and disregarding rent paid to A)	$300,000
Ratio ($100,000/$300,000)	1:3
Total rent	$15,000
Total deductions	$3,000
Rental income treated as gross income from an unrelated trade or business (⅓ of $15,000)	$5,000
Less deductions directly connected with such income (⅓ of $3,000)	$1,000
Net rental income included by A in computing its unrelated business taxable income	$4,000

Example (2). Assume the facts as stated in example (1), except that B's taxable income is $90,000 (computed as though B were not an exempt organization, and disregarding rents paid to A). B's unrelated business taxable income ($100,000) is therefore greater than its taxable income ($90,000). Thus, the ratio used to determine the portion of rent received by A which is to be taken into account is one since both the numerator and denominator of such ratio is B's unrelated business taxable income. Consequently, all the rent received by A from B ($15,000), and all the deductions directly connected therewith ($3,000), are included by A in computing its unrelated business taxable income.

(3) *Nonexempt controlled organization*—(i) *In general.* If the controlled organization is not exempt from taxation under section 501(a), the amount referred to in subparagraph (1) of this paragraph is an amount which bears the same ratio to the interest, annuities, royalties, and rents received by the controlling organization from the controlled organization as the "excess taxable income" (as defined in subdivision (ii) of this subparagraph) of the controlled organization bears to whichever of the following amounts is the greater—

(*a*) The taxable income of the controlled organization, or

(*b*) The excess taxable income of the controlled organization,

both determined without regard to any amount paid directly or indirectly to the controlling organization. The controlling organization shall be allowed all deductions which are directly connected with amounts included in gross income under the preceding sentence.

(ii) *Excess taxable income.* For purposes of this paragraph, the term "excess taxable income" means the excess of the controlled organization's taxable income over the amount of such taxable income which, if derived directly by the controlling organization, would not be unrelated business taxable income.

(iii) *Examples.* This subparagraph may be illustrated by the following examples:

Example (1). A, an exempt university described in section 501(c)(3), owns all the stock of M, a nonexempt organization. During 1971, M leases a factory and a dormitory from A for a total annual rental of $100,000. During the taxable year, M has $500,000 of taxable income, disregarding the rent paid to A: $150,000 from a dormitory for students of A university, and $350,000 from the operation of a factory which is a business unrelated to A's exempt purpose. A's deductions for 1971 with respect to the leased property are $4,000 for the dormitory and $16,000 for the factory. Under these circumstances, $56,000 of the rent paid by M will be included by A as net rental income in determining its unrelated business taxable income, computed as follows:

M's taxable income (disregarding rent paid to A)	$500,000
Less taxable income from dormitory	150,000
Excess taxable income	$350,000
Ratio ($350,000/$500,000)	7/10
Total rent paid to A	$100,000
Total deductions ($4,000+$16,000)	20,000
Rental income treated as gross income from an unrelated trade or business (7/10 of $100,000)	$70,000
Less deductions directly connected with such income (7/10 of $20,000)	$14,000
Net rental income included by A in computing its unrelated business taxable income	$56,000

Example (2). Assume the facts as stated in example (1), except that M's taxable income (disregarding rent paid to A) is $300,000, consisting of $350,000 from the operation of the factory and a $50,000 loss from the operation of the dormitory. Thus, M's "excess taxable income" is also $300,000, since none of M's taxable income would be excluded from the computation of A's unrelated business taxable income if received directly by A. The ratio of M's "excess taxable income" to its taxable income is therefore one ($300,000/$300,000). Thus, all the rent received by A from M ($100,000), and all the deductions directly connected therewith ($20,000), are included in the computation of A's unrelated business taxable income.

(4) *Control*—(i) *In general.* For purposes of this paragraph—

(a) *Stock corporation.* In the case of an organization which is a stock corporation, the term "control" means ownership by an exempt organization of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of such corporation.

(b) *Nonstock organization.* In the case of a nonstock organization, the term "control" means that at least 80 percent of the directors or trustees of such organization are either representatives of or directly or indirectly controlled by an exempt organization. A trustee or director is a representative of an exempt organization if he is a trustee, director, agent, or employee of such exempt organization. A trustee or director is controlled by an exempt organization if such organization has the power to remove such trustee or director and designate a new trustee or director.

(ii) *Gain or loss of control.* If control of an organization (as defined in subdivision (i) of this subparagraph) is acquired or relinquished during the taxable year, only the interest, annuities, royalties, and rents paid or accrued to the controlling organization in accordance with its method of accounting for that portion of the taxable year it has control shall be subject to the tax on unrelated business income.

(5) *Amounts taxable under other provisions of the Code*—(i) *In general.* Section 512(b)(15) and this paragraph do not apply to amounts which are included in the computation of unrelated business taxable income by operation of any other section of the Code. However, amounts which are not included in unrelated business taxable income by operation of section 512(a)(1), or which are excluded by operation of section 512(b)(1), (2), or (3), may be included in unrelated business taxable income by operation of section 512(b)(15) and this paragraph.

(ii) *Debt-financed property.* Rents derived from the lease of debt-financed property by a controlling organization to a controlled organization are subject to the rules contained in section 512(b)(15) and this paragraph. Thus, if a controlling organization leases debt-financed property to a controlled organization, the amount of rents includible in the controlling organization's unrelated business taxable income shall first be determined under section 512(b)(15) and this paragraph, and only the portion of such rents not taken into account by operation of section 512(b)(15) are taken into account by operation of section 514. See example (3) of § 1.514(b)–1(b)(3).

[FR Doc.72–5371 Filed 4–7–72;8:45 am]

[T.D. 7179]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Trusts—Election Regarding Amounts Distributed in First 65 Days of Taxable Year

In order to clarify the rules relating to the election by the fiduciary of a trust to treat certain amounts distributed by the trust during the first 65 days following the close of a taxable year as distributed on the last day of such taxable year, subparagraph (1) of paragraph (a) of § 13.6 of the Temporary Income Tax Regulations under the Tax Reform Act of 1969 (26 CFR Part 13) is amended to read as follows:

§ 13.6 Accumulation trusts; 65 day election; "first taxable year in which income is accumulated."

(a) *Election regarding distributions in first 65 days of taxable year*—(1) *In general.* With respect to taxable years beginning after December 31, 1968, the fiduciary of a trust may elect under section 663(b) to treat any amount or portion thereof that is properly paid or credited to a beneficiary within the first 65 days following the close of the taxable year as an amount that was properly paid or credited on the last day of such taxable year. An election is effective only with respect to the taxable year for which the election is made. In the case of distributions made after May 8, 1972, the amount to which the election applies shall not exceed—

(i) The amount of income of the trust (as defined in § 1.643(b)–1) of this chapter for the taxable year for which the election is made, or

(ii) The amount of distributable net income of the trust (as defined in §§ 1.643(a)–1 through 1.643(a)–7 of this chapter) for such taxable year, if greater.

reduced by any amounts paid, credited, or required to be distributed in such taxable year other than those amounts considered paid or credited in a preceding taxable year by reason of section 663(b) and this section. An election shall be made for each taxable year for which the treatment is desired. The application of this paragraph may be illustrated by the following example:

Example. X Trust, a calendar year trust, has $1,000 of income (as defined in § 1.643(b)–1) and $800 of distributable net income (as defined in §§ 1.643(a)–1 through 1.643(a)–7) in 1972. The trust properly pays $550 to A, a beneficiary, on January 15, 1972, which the trustee elects to treat under section 663(b) as paid on December 31, 1971. The trust also properly pays to A $600 on July 19, 1972, and $450 on January 17, 1973. For 1972, the maximum amount to which the election made under this paragraph may apply is $400 ($1,000−$600). The $550 paid on January 15, 1972, does not reduce the maximum amount to which the election may apply because that amount is treated as properly paid on December 31, 1971.

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 4, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72–5393 Filed 4–7–72;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

INCOME EXCLUSIONS FOR PENSION PURPOSES

This amendment provides for the exclusion from consideration as income for purposes of the pension program amounts paid to a retired employee by his former employer as reimbursement for premiums he has paid for medicare.

In § 3.261(a), subparagraph (22) 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	Sec—
(a) *Income.*					
* * *	* * *	* * *	* * *	* * *	
(22) Contributions by a public or private employer to a:					
Public or private health or hospitalization plan for an active or retired employee.	Excluded	Excluded	Excluded	Excluded.	
Retired employee as reimbursement for premiums for supplementary medical insurance benefits under the Social Security Program (Public Law 91-588; 84 Stat. 1580).	Included	Included	Excluded	Excluded.	
* * *	* * *	* * *	* * *	* * *	

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

This VA Regulation is effective the date of approval.

Approved: April 3, 1972.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-5493 Filed 4-7-72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Parts 114-1, 114-25, and 114-26 of Chapter 114, Title 41 of the Code of Federal Regulations, are hereby amended as set forth below.

These changes will become effective on the date of their publication in the FEDERAL REGISTER (4-8-72).

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

APRIL 4, 1972.

PART 114-1—INTRODUCTION

Subpart 114-1.1—Regulation System

§ 114-1.109-50 [Amended]

In § 114-1.109-50 the reference to "114L—Office of Territories" is amended to read "114L—Reserved".

PART 114-25—GENERAL

Subpart 114-25.3—Use Standards

The table of contents for Subpart 114-25.3 is amended by the addition of the following:

Sec.
114-25.300-50 Standard lettering for bench marks and corner markers.

Subpart 114-25.3 is amended by the addition of the following section:

§ 114-25.300-50 Standard lettering for bench marks and corner markers.

The minimum standard lettering to be used to identify all bench mark tables is as follows:

U.S. DEPARTMENT OF THE INTERIOR

Height of lettering: ¼ inch.
Width of letters at surface: .040 inch.

UNLAWFUL TO DISTURB

Height of lettering: 5/32 inch.
Width of letters at surface: .032 inch.

Exceptions to the use of the foregoing lettering will be granted only where special circumstances warrant exemption. Requests for such exemption shall be transmitted through Bureau Channels to the Director, Office of Management Operations, Office of the Assistant Secretary—Management and Budget.

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114-26.4—Purchase of Items From Federal Supply Schedule Contractors

§ 114-26.406-d [Amended]

Section 114-26.406-2(d) is amended by deleting "Office of Territories—040 through 059 inclusive" and inserting in lieu thereof the following:

Reserved—040 through 059 inclusive.

Subpart 114-26.6—Procurement Sources Other Than GSA

The table of contents is amended by deleting the reference to § 114-26.600-51 *Procurement of bench marks and corner markers* and inserting in lieu thereof the following:

Sec.
114-26.600-51 Other procurement from the Defense Supply Agency.

Section 114-26.600-51, *Procurement of bench marks and corner markers,* is deleted in its entirety and the following substituted therefor:

§ 114-26.600-51 Other procurement from the Defense Supply Agency.

(a) The Defense Supply Agency has been assigned the supply responsibility for certain items as provided in FPMR 101-26.6. As to the procurement of other items, it is the policy of the Defense Supply Agency that its Defense Supply Centers will honor such supply requests from civilian agencies only when a formal interagency agreement is in effect covering supply support for the materiel requested. As a rule, there are no exceptions to this policy except in an emergency (e.g., hurricane, flood, epidemic, etc.).

(b) Pursuant to a DOD/GSA agreement governing supply management relationships, the Defense Supply Agency will furnish supply management services to all Federal agencies in those instances where:

(1) The General Services Administration determines that Governmentwide economies and improved effectiveness can be gained through DSA support, and

(2) The Defense Supply Agency determines that support of civilian agencies will not impair DSA's capability to support military units in war and peace, and will not significantly increase DSA's operating costs or inventory investment.

(c) DSA supply support arrangements with civilian agencies will be consistent with DSA procurement and supply management practices, and supply support will normally be limited to items or services which DSA provides to DOD activities.

(d) The Defense Supply Agency looks to the General Services Administration as the coordinator for all civilian agency procurement and supply support requests to assure consistency of policy and procedures governing civilian agency use of DSA support and to assure civilian

agency knowledge and use of DOD/DSA systems and procedures.

(e) When there is a requirement for DSA supply support, the General Services Administration will provide assistance in making appropriate arrangements for the implementing actions required to develop, coordinate, and exercise an interagency agreement for such support.

(f) Requests for DSA supply support should be prepared for the signature of the Director of Management Operations and addressed to:

Assistant Commissioner, Office of National Supply Policies and Programs, Federal Supply Service, General Services Administration, Washington, D.C. 20405.

Each request must include full particulars regarding the support required, location, duration of need, etc.

[FR Doc.72-5404 Filed 4-7-72;8:46 am]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

PART 59—GRANTS FOR FAMILY PLANNING

Family Planning Services Training

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart C of Part 59, which relates solely to grants for family planning services training pursuant to section 1003 of the Public Health Service Act (42 U.S.C. 300a–1) because for good cause it has been found that such notice, public participation, and delay would be contrary to the public interest in light of the need to provide adequate lead time for the development of project proposals, the need for the orderly and efficient consideration of such proposals, and the limited time for which funds are available for these purposes. Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Director, National Center for Family Planning Services, Health Services and Mental Health Administration, 5600 Fishers Lane, Rockville, MD 20852. All comments received in response to this publication will be available for public inspection in the Office of the Grants and Contracts Officer, National Center for Family Planning Services, Room 12A–54, Parklawn Building, 5600 Fishers Lane, Rockville, MD, weekdays between 9 a.m. and 5 p.m. All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER (4–8–72).

Dated: March 21, 1972.

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

Approved: April 3, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Subpart B—[Reserved]

Subpart C—Grants for Family Planning Services Training

AUTHORITY: The provisions of this Subpart C issued under sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a–4; sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a–1.

Subpart B—[Reserved]

Subpart C—Grants for Family Planning Service Training

§ 59.201 Applicability.

The regulations in this subpart are applicable to the award of grants pursuant to section 1003 of the Public Health Service Act (42 U.S.C. 300a–1) to provide the training for personnel to carry out family planning service programs described in sections 1001 and 1002 of the Public Health Service Act (42 U.S.C. 300, 300a).

§ 59.202 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act.

(b) "State" means one of the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

(c) "Nonprofit" private entity means a private entity no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

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

(e) "Training" means job-specific skill development, the purpose of which is to promote and improve the delivery of family planning services.

§ 59.203 Eligibility.

(a) *Eligible applicants.* Any public or nonprofit private entity located in a State is eligible to apply for a grant under this subpart.

(b) *Eligible projects.* Grants pursuant to section 1003 of the Act and this subpart may be made to eligible applicants for the purpose of providing programs, not to exceed 3 months in duration, for training family planning or other health services delivery personnel in the skills, knowledge, and attitudes necessary for the effective delivery of family planning services.

§ 59.204 Application for a grant.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.[1] The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, and a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and any additional conditions of the grant.

§ 59.205 Project requirements.

An approvable application must contain each of the following unless the Secretary determines that the applicant has established good cause for its omission:

(a) Assurances that:

(1) No portion of the Federal funds will be used to train personnel for programs where abortion is a method of family planning.

(2) No portion of the Federal funds will be used to provide professional training to any student as part of his education in pursuit of an academic degree.

(3) No project personnel or trainees shall on the grounds of sex, religion, or creed be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the project.

(b) Provision of a methodology to assess the particular training (e.g., skills, attitudes, or knowledge) that prospective trainees in the area to be served need to improve their delivery of family planning services.

(c) Provision of a methodology to define the objectives of the training program in light of the particular needs of trainees defined pursuant to paragraph (b) of this section.

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[1] Applications and instructions may be obtained from the Program Director, Family Planning Services, at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted, or the Office of the Director, National Center for Family Planning Services, Health Services and Mental Health Administration, Rockville, MD 20852 for national programs.

(d) Provision of a method for development of the training curriculum and any attendant training materials and resources.

(e) Provision of a method for implementation of the needed training.

(f) Provision of an evaluation methodology, including the manner in which such methodology will be employed, to measure the achievement of the objectives of the training program.

(g) Provision of a method and criteria by which trainees will be selected.

§ 59.206 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to assist in the establishment and operation of those projects which will in his judgment best promote the purposes of section 1003 of the Act, taking into account:

(1) The extent to which a training program will increase the delivery of services to people, particularly low-income groups, with a high percentage of unmet need for family planning services;

(2) The extent to which the training program promises to fulfill the family planning services delivery needs of the area to be served, which may include, among other things:

(i) Development of a capability within family planning service projects to provide pre- and in-service training to their own staffs;

(ii) Improvement of the family planning services delivery skills of family planning and health services personnel;

(iii) Improvement in the utilization and career development of paraprofessional and paramedical manpower in family planning services;

(iv) Expansion of family planning services, particularly in rural areas, through new or improved approaches to program planning and deployment of resources;

(3) The capacity of the applicant to make rapid and effective use of such assistance;

(4) The administrative and management capability and competence of the applicant;

(5) The competence of the project staff in relation to the services to be provided; and

(6) The degree to which the project plan adequately provides for the requirements set forth in § 59.205.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either: (1) On the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as travel or supply costs) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) Except as may otherwise be provided by the regulations of this subpart, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapters 1–76, 2–65, 2–66, 3–60, 3–80, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual.[2]

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 59.207 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 59.208 Use of project funds.

(a) Any funds granted pursuant to this subpart as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this subpart, the terms and conditions of the award, and, except as may otherwise be provided in this subpart, the cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

(c) The Secretary may approve the payment of grant funds to trainees for:

(1) Return travel to the trainee's point of origin.

(2) Per diem during the training program, and during travel to and from the program, at the prevailing institutional or governmental rate, whichever is lower.

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

§ 59.209 Civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 59.210 Inventions or discoveries.

Any grant award pursuant to § 59.206 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 59.211 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 59.212 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the

amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1–410–50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other family planning training projects.* Equipment may be used, without adjustment of accounts, on other grant-supported projects (whether or not federally supported) within the scope of section 1003 of the Act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of § 1003 of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1–410–50B of the Department of Health, Education, and Welfare Grants Administration Manual, may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant-related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in chapter 1–420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any ambunt not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for equipment on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to paragraph (c)(1) of this section;

(iv) Any other settlements required pursuant to paragraph (c) (2) and (3) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

§ 59.213 Records, reports, inspection, and audit.

(a) *Records and reports.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and to interview with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of records relating to the use of grant funds.

§ 59.214 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 59.215 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this subpart, or the terms of the grant, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.72–5386 Filed 4–7–72;8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5196]

[Riverside 2818]

CALIFORNIA

Withdrawal for Protection of National Forest Watershed Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of program of the Department of Agriculture:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Devil Canyon-Cloudland Watershed Area

T. 1 N., R. 4 W.,
Sec. 4, lots 2 to 4, inclusive, SW¼NE¼, S½NW¼, NW¼SE¼;
Sec. 5, lots 1 to 4, inclusive, lots 6 to 10, inclusive.
T. 2 N., R. 4 W.,
Sec. 19, lots 3 to 10, inclusive, NE¼, E½NW¼;
Sec. 20, lots 2 and 3;
Sec. 28, lots 2 to 4, inclusive, SW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 29, lots 1 to 16, inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, E½SE¼;
Sec. 31, lot 4, SW¼NE¼, E½SW¼, W½SE¼;
Sec. 32, E½, SE¼NW¼, NE¼SW¼, N½SE¼SW¼;
Sec. 33, W½E½, W½.
T. 2 N., R. 5 W.,
Sec. 24, E½SE¼, E½W½SE¼.

The areas described aggregate 3,962.71 acres in San Bernardino County.

2. All of the lands described in paragraph 1 are national forest lands except those described as lots 3, 4, 9, and 10, sec. 19, and lot 4, and SE¼SW¼, sec. 30, T. 2 N., R. 4 W., which are privately owned lands, title to which is being transferred to the United States pursuant to a Forest Service exchange. These lands will become part of the San Bernardino National Forest and subject to all laws and regulations applicable thereto upon acquisition of title to said lands or interest therein by the United States under applicable law.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 4, 1972.

[FR Doc.72-5406 Filed 4-7-72;8:47 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 151—FEDERAL FINANCIAL ASSISTANCE FOR RESEARCH AND RESEARCH RELATED ACTIVITIES IN THE FIELD OF EDUCATION AND FOR CONSTRUCTION OF NATIONAL AND REGIONAL RESEARCH FACILITIES

Experimental Schools; Grants for Small Schools in Rural Areas and Closing Date for Receipt of Applications

On page 5392 of the FEDERAL REGISTER of March 15, 1972 (Vol. 37, No. 51), there was published a notice of proposed rule making and closing date for receipt of applications to establish criteria, in addition to those already established under section 2 of the Cooperative Research Act (Public Law 83-531, as amended; 20 U.S.C. 331a) and regulations issued pursuant thereto (45 CFR Part 151 and 36 F.R. 13993 (July 29, 1971)), for the awarding of grants to small schools serving rural areas and to establish the closing date for receipt of applications. Such criteria supersede the requirements contained in 45 CFR 151.3 and 151.54(a)(1), to the extent inconsistent with such provisions, solely for the purposes of the competition provided for in this document. The notice of proposed rule making, published in the FEDERAL REGISTER on March 9, 1972 (Vol. 37, No. 47), does not apply to this competition.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. These criteria and closing date for receipt of applications shall be effective 15 days after publication of this notice in the FEDERAL REGISTER.

Dated: March 31, 1972.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: April 4, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Notice of establishment of closing date for receipt of letters of interest for the experimental schools program, small rural schools competition, to be conducted during fiscal year 1972 under section 2 of the Cooperative Research Act (Public Law 83-531, as amended; 20 U.S.C. 331a) and regulations issued pursuant thereto (45 CFR Part 151). Potential applicants are hereby notified that the small rural schools competition represents the first of a series of new announcements of experimental schools competitions. Notifications of closing dates for forthcoming competitions will also appear in the FEDERAL REGISTER.

Notice is hereby given that in order to be assured of consideration for grants in the experimental schools small rural schools competition, letters of interest, which constitute formal submissions of applications (and therefore must comply with 45 CFR 151.4), from eligible parties must be received in the U.S. Office of Education no later than 15 days after republication of this notice in the FEDERAL REGISTER following the period for public comment.

2. In addition to such other applicable requirements as may be contained in the Act and in 45 CFR Part 151, the following criteria shall apply to grants made under the small rural schools competition:

(1) An eligible applicant for the purposes of this competition is a local educational agency (or a combination of such agencies) which has no more than 2,500 children enrolled in its elementary and secondary schools, kindergarten (or, where kindergarten is not supported with public funds in the area to be served, grade 1) through grade 12, inclusive, and which serves a rural area.

(2) The project must serve all children enrolled in the applicant's schools.

(3) The schools served by the project must constitute a coherent feeder system, all schools of which are served by the project.

(20 U.S.C. 331a, 45 CFR Part 151)

[FR Doc.72-5497 Filed 4-7-72;8:50 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA Signal-4 Notice 3]

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

PART 234—SIGNAL FAILURE REPORTS

The purpose of this amendment is to consolidate Parts 233 and 234 into Part 233 and revoke and delete Part 234; simplify the annual reports by replacing the three separate forms now required with a single form; require signal failures to be reported within 5 days of occurrence except where it resulted in an accident; add a new requirement that a negative report be filed within 10 days after the end of each calendar month in which no signal failure occurred; and add the statutory penalties for violations of the signal regulations to Part 233.

On November 18, 1971 the Federal Railroad Administrator (FRA) issued a notice of proposed rule making proposing a new Part 233 and revoking Part 234 for the purposes of a better and more effective administration of the Signal Inspection Act, 49 U.S.C. 26. The public was given an opportunity to comment upon the proposal. The period for submitting written comments was extended by publication of notice No. 2 for 30 days to January 14, 1972 upon request of the Association of American Railroads (AAR). Comments have been received from the Brotherhood of Railroad Signalmen (BRS), the River Terminal Railway Co. (RTR), and the Association of American Railroads.

After considering all the comments submitted in writing FRA has decided that some changes should be made in the proposed regulations. These changes are discussed under individual sections. Some of these changes reflect FRA's conclusions after carefully reviewing the comments. In addition, a number of editorial changes and minor clarifying modifications of language have been made. The changes made and the reasons for those changes follows:

Section 233.1. No comments were received concerning this section and it has not been changed.

Section 233.3. No comments were received concerning this section but the reference to the Interstate Commerce Act was deleted and the Signal Inspection Act substituted as more appropriate

to the administration of this Act by FRA. The section number has been changed to section 26 of title 49 of the United States Code, the correct citation at this time.

Section 233.5. This section was amended to allow use of telephone as suggested by the AAR. The suggestion by the AAR that the report should be "at the earliest practicable moment" was considered too vague and the word "immediately" was retained. The carriers have had no serious problems complying with the word "immediately" under §§ 225.1 and 230.335 and it is used in the same sense as in § 233.5.

Section 233.7(a) has been changed to provide that duplicate reports would not be needed except where the report after an accident is by telephone. Since such reports are likely to be incomplete a completed Form FRA F6180–14 should be filed. The BRS indicated by its comments that the present reporting system for signal failures should be continued in use without any particular justification. FRA has decided to use the revised form since data on false restrictive failures has not proven very helpful in the past. If the form fails to produce the proper information in due course this can then be corrected. The 5-day period has been retained although the AAR and the RTR indicated that the period is too short. The new report form has been shortened and false restrictive failures deleted so that the average carrier will make only four or five reports at most during a year. The carriers should be able to comply with the 5-day rule without any undue hardship.

Section 233.7(b) has been retained although opposed by the AAR. For Administrative purposes this negative report is needed. Without the report FRA cannot determine whether there were no failures or whether a carrier just failed to file.

Since no comments have been received concerning §§ 233.9, 233.11, and 233.13 no changes have been made, except to change the citation in § 233.11 to the Signal Inspection Act, 49 U.S.C. 26.

In consideration of the foregoing, Chapter II of Subtitle B of Title 49 of the Code of Federal Regulations is amended, effective May 15, 1972, by adding a new Part 233 and revoking Part 234.

Issued in Washington, D.C., on April 4, 1972.

JOHN W. INGRAM,
Federal Railroad Administrator.

Sec.
233.1 Scope.
233.3 Application.
233.5 Accidents resulting from signal failure.
233.7 Signal failure reports.
223.9 Annual reports.
233.11 Civil penalty.
233.13 Criminal penalty.

AUTHORITY: The provisions of this Part 233 issued under secs. 12, 20, 24 Stat. 383, 386, as amended, sec. 441, 41 Stat. 498, as amended, secs. 6 (e), (f), 80 Stat. 939, 49 U.S.C. 12, 20, 26, 1655.

§ 233.1 Scope.

This part prescribes reporting requirements with respect to methods of train operation, interlocking and controlled points, automatic train stop, train control and cab signal systems or other similar appliances, devices, methods, and systems.

§ 233.3 Application.

This part applies to each common carrier by railroad subject to the Signal Inspection Act, 49 U.S.C. 26.

§ 233.5 Accidents resulting from signal failure.

Each carrier shall immediately report by telegram or telephone to the Associate Administrator for Safety, Office of Safety, Federal Railroad Administration, Washington, D.C. 20591, each accident described in § 225.14 of this chapter which involves failure of an appliance, device, method, or system subject to this part to indicate or function as intended. This notification should describe the failure and the role it played in the accident.

§ 233.7 Signal failure reports.

(a) Each carrier shall report, within 5 days, each failure not previously reported by telegram under § 233.5 of an appliance, device, method, or system subject to this part, to indicate or function as intended. Form FRA F6180–14, Signal Failure Report, shall be used for this report and completed in accordance with instructions printed on the Form.

(b) Whenever there have been no failures of the nature described in paragraph (a) of this section, on the line of a carrier in a calendar month, the carrier shall report this fact on Form FRA 6180–14 within 10 days after the end of that calendar month.

§ 233.9 Annual reports.

Not later than January 15 of each year, each carrier shall file a report for the preceding calendar year on Form FRA F6180–47, Signal Systems Annual Report, in accordance with instructions and definitions on the reverse side thereof.

§ 233.11 Civil penalty.

A carrier that fails or refuses to file reports as required by this part is liable to a civil penalty of $100 for each offense as prescribed by the Signal Inspection Act, 49 U.S.C. 26. Each day a failure or refusal continues is a separate offense.

§ 233.13 Criminal penalty.

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part;

is subject to a $5,000 fine and 2 years imprisonment as prescribed by sec. 20 of the Interstate Commerce Act, 49 U.S.C. 20.

[FR Doc.72-5424 Filed 4-7-72;8:49 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69–20; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Accelerator Control Systems

The purpose of this notice is to establish a new motor vehicle safety standard that specifies requirements for accelerator control systems of passenger cars, multipurpose passenger vehicles, trucks, and buses.

A notice of proposed rule making on this subject was published September 30, 1970 (35 F.R. 15241). The majority of comments received supported the proposal. There were some objections and questions, which have been considered in formulating the final rule.

In the previous notice, the Administrator indicated the importance of this standard in reducing the number of accidents caused by runaway engines. Since 1966, 60 recall campaigns totaling over 2.9 million vehicles have involved this problem. Three percent of all complaints in the Administration's files have reported malfunctioning accelerator or carburetor systems. Because the ability of a driver to control his vehicle is directly related to the proper functioning of the accelerator control system, it is essential that this system perform as expected, especially when the driver removes the actuating force. Therefore, the standard sets requirements to insure the reliability of accelerator control systems over a wide range of driving conditions. Each system must include two independent sources of energy (such as springs) which shall return the throttle to idle upon the removal of the actuating force. In the case of breakage or disconnection in the accelerator system, the throttle shall return to idle either at the time of breakage or at the removal of the actuating force.

The latter requirement differs from the NPRM, which mandated a return to idle only when the actuating force was removed. Industry comments raised valid objections to this requirement. In some cases, if a breakage occurred and the system had to keep operating until the driver took his foot off the pedal, a complicated system of sensors would have to be built into the throttle which would activate the redundant energy sources precisely at the time of actual removal. Such a device would be too expensive for its possible safety benefit, since the incidence of accidents from engine loss of power are minimal when compared with runaway overspeed statistics. Manufacturers, therefore, have been given the option to use either return-to-idle mode.

Although many comments suggested modification of the temperature range, the ambient temperature levels in the NPRM are retained. A review of meteorological data indicates that these figures conform to possible driving conditions in various areas of the United States.

There are four other proposed requirements in the NPRM that are not included in the final rule. These are the 300-pound force requirement, the coverage of automatic speed control systems, the freedom-of-movement requirement, and the coverage of motorcycles.

Several commenters raised objections to the 300-pound overforce, and some asked for a lesser force than 300 pounds. It was found on review that the safety benefits of an overforce test has not been demonstrated sufficiently and the requirement has been dropped from the rule.

The rule does not contain requirements for automatic speed control devices. It was found that although nine recall campaigns involving 61,176 vehicles have concerned these devices, no relationship to accelerator overspeed accidents could be established from automatic speed controls. Of the 540 multidisciplinary accident reports that were studied in formulating the final rule, none mentioned the automatic system. The requirements of the NPRM reiterated SAE recommendations that are already used by manufacturers.

The "freedom-of-movement" paragraph raised objections of subjectivity and difficulty of implementation. Enforcement through compliance testing would lead to controversy over the imprecise meaning of "necessary chafing." It appears that to comply with the final rule, the accelerator system will have to be free of excessive and unsafe rubbing and friction.

The decision to eliminate motorcycles from the applicability of this standard is based on the fact that motorcycles are so different in design from the other vehicles covered that definitions and failure modes are dissimilar. Also, a safety standard specifically tailored for motorcycle controls (Docket 70–26) will be issued this year.

This issue of the FEDERAL REGISTER contains a notice of proposed rule making to amend Standard No. 124 (37 F.R. 7108). The proposal is that the two independent sources of energy would return the throttle idle within one-half second after the removal of the actuating force or a breakage or disconnection in the accelerator control system.

This standard is directed at the hazard caused by a failure in the accelerator control system. Those engine overspeed incidents caused by other failure modes such as broken or worn engine mounts are not addressed by this rule making action. The NHTSA is presently developing performance requirements for safety under other failure modes.

In consideration of the foregoing, Part 571 of Title 49, Code of Federal Regulations, is amended by adding a new § 571.124, Motor Vehicle Safety Standard No. 124, as set forth below.

Effective date: September 1, 1973.

Because of the development work and preparation for production that this standard will require, it is found that an effective date later than 1 year from the date of issuance is in the public interest. Accordingly, the standard is effective September 1, 1973.

This rule is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51.

Issued on March 31, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 571.124 Accelerator control systems (Motor Vehicle Safety Standard No. 124) effective September 1, 1973.

S1. *Scope.* This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a breakage or disconnection in the accelerator control system.

S2. *Purpose.* The purpose of this standard is to eliminate deaths and injuries resulting from engine overspeed caused by malfunctions in the accelerator control system.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Definitions.*

S4.1 "Driver-operated accelerator control system" means all vehicle components, except the fuel metering device, that regulate engine speed in direct response to movement of the driver-operated control and that return the throttle to the idle position upon release of the actuating force.

"Fuel metering device" means the carburetor, or in the case of certain engines, the fuel injector, fuel distributor, or fuel injection pump.

"Throttle" means the component of the fuel metering device that connects to the driver-operated accelerator control system and that by input from the driver-operated accelerator control system controls the engine speed.

"Idle position" means the position of the throttle that will provide the lowest engine speed for existing conditions according to the manufacturers' recommendations. These conditions include, but are not limited to, engine speed adjustments for cold engine, air conditioning equipment, and emission control equipment.

S4.2 In the case of vehicles powered by electric motors, the word "throttle" and "idle" refer to the motor speed controller and motor shutdown, respectively.

S5. *Requirements.* The vehicle shall be equipped with a driver-operated accelerator control system that meets the following requirements when the engine in running under any load condition, and at any ambient temperature between −40° F. and +125° F. after 12 hours of conditioning at any temperatures within that range.

S5.1 The system shall include at least two sources of energy, each of which is independently capable of returning the throttle to the idle position from any accelerator position or speed whenever the driver removes the opposing actuating force.

S5.2 The throttle shall return to the idle position from any accelerator position or any speed of which the engine is capable whenever any element of the accelerator control system becomes disconnected or broken. The return to idle shall occur at the time of breakage or disconnection or at the time of the first removal of the opposing actuating force by the driver.

[FR Doc.72–5419 Filed 4–7–72;8:50 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 205, 235, 242, 246, 247, 280, 292]

ADMINISTRATIVE PROCEEDINGS BEFORE SERVICE OFFICERS

Service of Notices, Decisions, and Other Papers

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to the service of notices, decisions, and other papers (except warrants and subpoenas) in administrative proceedings before Service officers.

In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.3, the third sentence of paragraph (a) is revised. As amended, § 103.3(a) reads, in part, as follows:

§ 103.3 Denials, appeals, and precedent decisions.

(a) *Denials and appeals.* Whenever a formal application or petition filed under § 103.2 is denied, the applicant shall be given written notice setting forth the specific reasons for such denial. If the notification is made on Form I–292, the signed duplicate thereof constitutes the order of denial. When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the service of the notification of decision, accompanied by a supporting brief if desired and a fee of $25, by filing Notice of Appeal, Form I–290B, which shall be furnished with the written notice. * * *

* * * * *

2. A new § 103.5a is added to read as follows:

§ 103.5a Service of notification, decisions, and other papers by the Service.

This section states authorized means of service by the Service on parties and on attorneys and other interested persons of notices, decisions, and other papers (except warrants and subpoenas) in administrative proceedings before Service officers as provided in this chapter.

(a) *Definitions*—(1) *Routine service.* Routine service consists of mailing of a copy by ordinary mail addressed to a person at his last-known address.

(2) *Personal service.* Personal service, which shall be performed by a Government employee, consists of any of the following, without priority or preference:

(i) Delivery of a copy personally;

(ii) Delivery of a copy at a person's dwelling house or usual place of abode by leaving it with some person of suitable age and discretion;

(iii) Delivery of a copy at the office of an attorney or other person, including a corporation, by leaving it with a person in charge;

(iv) Mailing a copy by certified or registered mail, return receipt requested, addressed to a person at his last-known address.

(b) *Effect of service by mail.* Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, 3 days shall be added to the prescribed period. Service by mail is complete upon mailing.

(c) *When personal service required.* Except where delivery in person is otherwise specifically prescribed, in any proceeding which is initiated by the Service, with proposed adverse effect, service of the initiating notice and of notice of any decision by a Service officer shall be accomplished by personal service.

(d) *When personal service not required.* Service of other types of papers in proceedings described in paragraph (c) of this section, and service of any type of papers in any other proceedings, may be accomplished either by routine service or by personal service.

(e) *Persons confined in institutions; minors and incompetents.* Persons confined, also minors and incompetents, shall be served directly unless incapable of understanding the nature of the proceeding. In addition, they shall be served by substituted service, as follows:

(1) *Persons confined.* Service shall be made upon the person in charge of the penal or mental institution or hospital where the person concerned is confined.

(2) *Minors and incompetents.* Service shall be made upon the person with whom a minor under the age of 14 years or an incompetent resides; whenever possible, service shall also be made upon his near relative, guardian, committee, or friend.

PART 205—REVOCATION OF APPROVAL OF PETITIONS

In § 205.3, the last sentence is amended. As amended, § 205.3 reads as follows:

§ 205.3 Procedure.

Revocation of approval of a petition under § 205.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If upon reconsideration the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have 15 days after the service of the notification of decision within which to appeal as provided in Part 3 of this chapter, if the petition was filed for a preference under paragraph (1), (2), (4), or (5) of section 203(a) of the Act, or for an immediate relative as defined in section 201(b) of the Act other than a child as defined in section 101(b)(1)(F) of the Act, or as provided in Part 103 of this chapter, if the petition was filed for a preference under paragraph (3) or (6) of section 203(a) of the Act, or for a child as defined in section 101(b)(1)(F) of the Act, and the consular office having jurisdiction over the visa application shall be notified of the revocation.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

In § 235.8, the second sentence of paragraph (a) is amended. As amended, § 235.8(a) reads, in part, as follows:

§ 235.8 Temporary exclusion.

(a) *Report.* Any immigration officer who temporarily excludes an alien under the provisions of section 235(c) of the Act shall report such action promptly to the district director having administrative jurisdiction over the port at which such alien arrived. The immigration officer shall, if possible, take a brief sworn question and answer statement from the alien, and the alien shall be notified by personal service of Form I–147 of the action taken and the right to make written representations. * * *

* * * * *

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. Paragraph (c) of § 242.1 is amended to read as follows:

§ 242.1 Order to show cause and notice of hearing.

* * * * *

(c) *Service.* Service of the order to show cause shall be accomplished by personal service. When personal delivery of an order to show cause is made by an immigration officer, the contents of the order to show cause shall be explained and the respondent shall be advised that

any statement he makes may be used against him. He shall also be advised of his right to representation by counsel of his own choice at no expense to the Government.

§ 242.2 [Amended]

2. The 10th sentence of paragraph (b) *Authority of special inquiry officers; appeals* of § 242.2 *Apprehension, custody, and detention* is amended to read as follows: "An appeal to the Board shall be taken from a determination by a special inquiry officer or from an appealable determination by a district director, acting district director, or deputy district director by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is served upon the respondent and the Service."

3. In § 242.3, the last sentence of paragraph (a) is revised. As amended, § 242.3(a) reads as follows:

§ 242.3 Aliens confined to institutions; incompetents, minors.

(a) *Service.* If the respondent is confined in a penal or mental institution or hospital and is competent to understand the nature of the proceedings, a copy of the order to show cause, and the warrant of arrest, if issued, shall be served upon him and upon the person in charge of the institution or hospital. If the respondent is not competent to understand the nature of the proceedings, a copy of the order to show cause, and the warrant of arrest, if issued, shall be served only upon the person in charge of the institution or hospital in which the respondent is confined, such service being deemed service upon the respondent. In case of mental incompetency, whether or not confined in an institution, and in the case of a minor under 14 years of age, a copy of the order and of the warrent of arrest, if issued, shall be served upon such respondent's guardian, near relative, or friend, whenever possible.

* * * * *

PART 246—RESCISSION OF ADJUSTMENT OF STATUS

In § 246.1, the first sentence is amended. As amended, § 246.1 reads, in part, as follows:

§ 246.1 Notice.

If it appears to a district director that a person residing in his district was not in fact eligible for the adjustment of status made in his case, a proceeding shall be commenced by the personal service upon such person of a notice of intention to rescind which shall inform him of the allegations upon which it is intended to rescind the adjustment of his status. * * *

PART 247—ADJUSTMENT OF STATUS OF CERTAIN RESIDENT ALIENS

In § 247.11, the first sentence is amended. As amended, § 247.11 reads, in part, as follows:

§ 247.11 Notice.

If it appears to a district director that an alien residing in his district, who was lawfully admitted for permanent residence, has an occupational status described in section 247 of the Act, he shall cause a notice on Form I–509 to be served on such alien by personal service informing him that it is proposed to adjust his status, unless the alien requests that he be permitted to retain his status as a resident alien and executes and files with such district director a Form I–508 (Waiver of Rights, Privileges, Exemptions and Immunities) and, if a French national receiving salary from the French Republic, Form I–508F (election as to tax exemption under the Convention between the United States and the French Republic), within 10 days after service of the notice, or the alien, within such 10-day period, files with the district director a written answer under oath setting forth reasons why his status should not be adjusted. * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

In § 280.11, the third and fourth sentences are amended. As amended, § 280.11 reads, in part, as follows:

§ 280.11 Notice of intention to fine; procedure.

Notice of Intention to Fine, Form I–79, shall be prepared in triplicate, with one additional copy for each additional person on whom the service of such notice is contemplated. The notice shall be addressed to any or all of the available persons subject to fine. A copy of the notice shall be served by personal service on each such person. If the notice is delivered personally, the person upon whom it is served shall be requested to acknowledge such service by signing his name to the duplicate and triplicate copies. * * *

PART 292—REPRESENTATION AND APPEARANCES

In § 292.5, paragraph (a) is revised by deleting the last sentence thereof. As amended, § 292.5(a) reads as follows:

§ 292.5 Service upon and action by attorney or representative of record.

(a) *Representative capacity.* Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of, the attorney or representative of record, or the person himself if unrepresented.

* * * * *

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

Dated: April 4, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72–5410 Filed 4–7–72;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO–265–A4]

TOMATOES GROWN IN FLORIDA

Determination on Basis of Results of Referendum on Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Orlando, Fla., October 7, 1971. It was held pursuant to a notice thereof which was published in the September 10, 1971, issue of the FEDERAL REGISTER (36 F.R. 18212) upon a proposed amendment to add authority for paid advertising and promotion to Marketing Agreement No. 125 and order No. 986, both as amended, regulating the handling of tomatoes grown in Florida.

The recommended decision of the Deputy Administrator, Consumer and Marketing Service, was published in the December 21, 1971, issue of the FEDERAL REGISTER (36 F.R. 24120). The decision of the Assistant Secretary was published in the February 8, 1972, issue (37 F.R. 2845), accompanied by an order directing that a referendum be conducted among producers of tomatoes in the aforesaid production area to determine whether the requisite majority of such producers favored or approved issuance of the proposed amendment.

It is hereby determined, on the basis of the results of the referendum conducted March 13 through 24, 1972, pursuant to the aforesaid referendum order, that the issuance of the said proposed amendment is not approved or favored (1) by at least two-thirds of the producers participating in such referendum and who, during the determined representative period (August 1, 1970, through July 31, 1971), were engaged in the production for market of tomatoes grown in the production area, or (2) by producers of at least two-thirds of the volume of production of such tomatoes represented in the aforesaid referendum.

It is hereby further determined that the proposed amendment to the marketing order should not be made effective, and in view of the circumstances, the

proposed amended agreement should not be entered into.

Dated: April 4, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-5392 Filed 4-7-72;8:46 am]

Farmers Home Administration

[7 CFR Part 1823]

[FHA Instruction 442.9]

COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, AND UTILIZATION

Processing Loans to Associations (Except for Domestic Water and Waste Disposal)

Notice is hereby given that the Farmers Home Administration has under consideration a proposed amendment to Subpart I of Part 1823, "Processing Loans to Associations (Except for Domestic Water and Waste Disposal)," Title 7, Code of Federal Regulations (35 F.R. 15091) by the addition of §§ 1823.280 through 1823.289. This amendment provides guidelines pertaining to accounting systems, management reports, and audits for FHA borrowers.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 20 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, the new §§ 1823.280 through 1823.289 read as follows:

§ 1823.280 Loan servicing.

Loans will be serviced in accordance with Subpart C of Part 1861 of this chapter.

§ 1823.281 Management assistance.

Management assistance will be based on such key factors as observation of borrower operations and facility maintenance and review of the periodic management and audit reports. The amount and type of assistance provided will be that needed to assure borrower success and compliance with its agreements with FHA.

(a) *Borrower management reports, audits, and accounting systems.* Requirements pertaining to borrower accounting systems and management reports are detailed in §§ 1823.282 through 1823.289. Requirements pertaining to audit reports are contained in a booklet entitled, "FHA Instructions to Independent Certified Public Accountants and Licensed Public Accountants." Copies of the audit booklet will be given to each applicant not later than delivery of the letter of conditions.

(1) *Management reports.* (i) County Supervisors will obtain from the borrowers and forward to the State Director two copies of periodic management reports within 20 days after the end of the period shown below:

Type of borrower	Form FHA 442-2 "Statement of income and expense for fiscal year to date"	Form FHA 442-3 "Balance sheet"
Recreation	Quarter	Fiscal year.
Grazing	Semiannual	Do.
Drainage, irrigation, or other soil and water conservation.	Fiscal year	Do.
Watershed	do	Do.
Timber development	do	Do.
Incorporated Economic opportunity cooperative.	Quarter	Do.
RC&D	(In accordance with purpose of loan.)	

(ii) County Supervisors will also obtain from the borrowers shown in subdivision (i) of this subparagraph. Form FHA 442–1, "Forecast of Cash Receipts and Disbursements (Operating Budget)," for the new fiscal year and forward it to the State Director no later than 20 days after the beginning of the borrower's new fiscal year.

(iii) Unincorporated Economic Opportunity Cooperatives having an annual gross income of $10,000 or less will not be required to submit periodic management reports nor minutes of meetings unless the State Director desires otherwise.

(iv) The State Director will designate a member of the Community Programs staff to be responsible for the review of borrower management reports. Ordinarily, review findings and instructions regarding further assistance will be forwarded to FHA field personnel within 20 days of submission for delinquent and problem borrowers, and within 40 days for other borrowers. Form FHA 430–4, "Five Year Progress Report," will be updated during each State Office review.

(v) Copies of review findings, instructions for further assistance, and management reports pertaining to delinquent and problem borrowers will be forwarded to the National Office. The State Director may:

(*a*) After the end of the borrower's third full fiscal year of operation, exempt it from submitting management reports other than annually, provided it is current on its loans; is meeting the conditions of its agreements with FHA; is properly maintaining its facility; and has demonstrated its ability to successfully operate its facility and manage its affairs. Borrowers qualifying for this exemption will only be required to submit copies of Forms FHA 442–1, FHA 442–2, FHA 442–3, and for those borrowers required to submit an audit, a copy of the audit report.

(*b*) Reinstate the requirement for submission of periodic management reports for those borrowers who become delinquent or otherwise are not carrying out their agreements with FHA.

(*c*) Require more frequent submission of management reports.

(2) *Audit reports and accounting systems.* (i) The County Supervisor will obtain audit reports from those borrowers required to submit such reports, and send them to the State Director for forwarding to the National Office. All audit reports will receive National Office review. Review results and recommendations or instructions for further assistance and audit preparation will be provided the State Director.

(ii) Borrowers accounting systems must be approved by the State Director before loan funds are advanced.

(iii) The State Director may:

(*a*) Waive FHA accounting and auditing requirements for a public entity borrow if State statutes or regulations require adequate accounting and auditing procedures, and if he has reasonable assurance that he will obtain the necessary financial information for borrower assistance from the accounting system and audit reports prepared in accordance with such statutes or regulations.

(*b*) Require an audit report from any borrower in addition to those described in §§ 1823.282 through 1823.289, when he determines that FHA or the borrower's interests would be better protected if such an audit were made.

(b) *Application to borrowers indebted to FHA on receipt of this subpart*—(1) *Management reports.* The requirements of this subpart will apply.

(2) *Accounting systems.* The requirements of this subpart apply to all such borrowers who the State Director determines are not now maintaining adequate accounting systems.

(c) *District Supervisor reports.* The District Supervisor will complete and forward to the State Director form FHA 422–4, "District Supervisor Report Association—Organization Borrowers," for all borrowers between the fourth and ninth month of operation in the first year, and prior to March 31 of each year for borrowers delinquent in making their annual payments by January 21. Unincorporated Economic Opportunity Cooperatives and borrowers transferred to collection only are excluded.

(d) *Security inspections.* A representative of the borrower will ordinarily accompany the FHA County Supervisor during each inspection.

(1) *Initial inspection.* The County Supervisor will inspect each borrower's security property and facility at the end of the first year of operation. The results of this inspection will be reported to the State Director on Form FHA 424–12, "Inspection Report."

(2) *Subsequent inspections.* The County Supervisor will make subsequent inspections of borrower security property and facilities during each third year after the initial inspection. The results of this inspection will be reported to the State Director on Form FHA 424–12.

(3) *Special inspections.* The County Supervisor may request or the State Director may determine the need for a member of his State staff to make certain security inspections. In such cases the

State Director will detail a member of his staff to make such inspections.

(4) *Followup inspections.* If any inspection discloses deficiences or exceptions or otherwise indicates a need for subsequent inspections prior to the third year, the State Director will prescribe the type and frequency of followup inspections. These inspections will be made until all deficiencies and exceptions have been corrected.

§ 1823.282 Introduction.

This section and §§ 1823.283 through 1823.289 set forth guidelines pertaining to accounting systems, management reports, and audits for FHA borrowers. Accounting systems which utilize the suggested chart of accounts and which are maintained in accordance with generally accepted accounting principles, will supply the necessary accounting data for borrower operations.

§ 1823.283 Borrower responsibilities.

All FHA borrowers are required to maintain adequate records and accounts and submit financial and statistical reports to FHA. Borrower agreements provide that FHA representatives may have access to and the right to inspect any or all books, records, and accounts pertaining to the facility of the borrower. Those elected and/or appointed officials (hereinafter referred to as governing bodies) of the borrower, are by virtue of their position charged with:

(a) Accepting their responsibilities as defined in the articles of incorporation and bylaws, the statutes under which they operate, and the terms of their agreements with FHA.

(b) Conducting borrower affairs so that the terms of its agreements with FHA will be fulfilled.

(c) Maintaining accounting records adequate for successful operation.

(d) Preparation of reports necessary for successful management and operation and submitting copies of such reports to FHA as required.

(e) Planning for sufficient income and control costs to the extent necessary to assure that all financial obligations can be paid when due.

(f) Establishing and maintaining rules, regulations, rate schedules, fees, assessments, and policies necessary for orderly and economic operation.

(g) Providing proper control and management of operations, and informing membership, users, or patrons of organization goals, activities, and current financial situation.

§ 1823.284 Accounts and records.

Each borrower shall keep and safely preserve, its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish full information as to any items included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

(a) *Accounting systems.* Each FHA borrower is responsible for establishing and maintaining its accounting system, which must be operational and approved by FHA before any loan funds are received. Systems shall be maintained on an accrual basis.

(1) Borrowers with small operations may use Form FHA 430–5, "Soil and Water Association Record Book."

(2) Accounting systems required by a State or regulatory agency for public entities may be acceptable to FHA.

(3) A recommended minimum chart of accounts is shown in § 1823.289.

(4) Accounting systems may be maintained by borrower personnel, a bookkeeping service, a computer service or through other arrangements satisfactory to the borrower and FHA.

(b) *Closing of books.* Each borrower shall close its accounting records at the end of its fiscal year unless State statutes or regulations prescribe otherwise.

(c) *Bank accounts.* (1) Borrowers shall maintain a bank account or bank accounts in a bank whose deposits are insured by the Federal Deposit Insurance Corporation.

(2) The private bank account of the borrower shall be known as the Revenue Fund Account and all revenue shall be deposited therein and expended and used only in the manner prescribed by the bond ordinance, loan agreement, or loan resolution.

(3) The reserve cash account may be invested in an interest bearing savings account, certificates of deposit, treasury bills, a savings and loan association account or may be used to make a prepayment on the FHA loan.

§ 1823.285 Management reports.

Effective decisions by governing bodies are critical to successful operation. In order to make effective decisions the governing body must receive timely information by means of financial and other appropriate reports which will assist it in the fulfillment of its basic tasks, the formulation of plans to achieve goals, and the control of operations to accomplish planned results. The following minimum required reports will furnish the governing body with a means of evaluating prior decisions and serve as a basis for planning the future operations and financial conditions of the borrower.

(a) *Forecast of cash receipts and disbursements (operating budget).* (1) Form FHA 442–1 will be prepared and adopted by the governing body prior to the beginning of each fiscal year. It should be based on realistic and informed estimates of expected receipts and disbursements for the coming fiscal year. Planning should generally be done on the basis of control of expenses as much as possible, and making sure that rates, fees, and so forth, are set to provide the necessary revenue. Throughout the year, other financial reports which compare the forecast with actual receipts and disbursements will provide valuable information in the preparation of future budgets.

(2) Two copies of Form FHA 442–1, and copies of the minutes of the meeting at which it was approved will be submitted to the FHA County Supervisor no later than 20 days after the beginning of the borrower's new fiscal year.

(b) *Statement of income and expense for the fiscal year to date.* Form FHA 442–2 will be used to detail the income and expenses during a given accounting period. Two copies of Form FHA 442–2 will be forwarded to the FHA County Supervisor each time it is prepared.

(c) *Balance sheet.* Form FHA 442–3 is a statement of financial conditions and discloses the assets, liabilities, reserves, and net worth of the borrower as of the end of an accounting period such as quarterly, semiannually or annually. The balance sheet shall be prepared as often as needed by the governing body. Two copies of Form FHA 442–3, prepared as of the end of the fiscal year, will be forwarded to the FHA County Supervisor no later than 20 days after the end of the fiscal year.

(d) *Report submission.* Those borrowers using a machine accounting system may submit print-out type reports providing these reports are in the format of the required FHA forms. Also, borrowers desiring to submit more detailed information than required by FHA forms may attach such detail to the related FHA form.

§ 1823.286 Additional reports.

Each borrower is required to provide the FHA County Supervisor within 20 days following the end of the fiscal year the following:

(a) A letter showing:

(1) The name, address, and term of office for each member of the governing body, and

(2) The number of members benefiting from the facility.

(b) Evidence that required property and liability insurance, workman's compensation, and fidelity bond premiums have been paid.

§ 1823.287 Audits.

FHA borrowers required to have an annual audit performed by an independent public accountant are: Those whose projected gross income for a full year of operations (column 3 of Form FHA 442–1), exceeds $25,000, and others as required by the FHA State Director. Borrowers whose annual gross income is less than $25,000 may have an annual audit made by an independent public accountant.

(a) An independent public accountant is an independent certified public accountant or an independent licensed public accountant licensed on or before December 31, 1970, who is certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(b) Audits will be prepared in accordance with the requirements of the handbook, "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits of Farmers Home Administration Borrowers and Grantees."

(c) Audit reports prepared for a borrower in accordance with the requirements of a State or other regulatory agency, may be accepted by FHA in lieu of those required in paragraph (b) of this section.

(d) A copy of the audit report will be forwarded to the FHA County Supervisor by the borrower as soon as it is received.

§ 1823.288 Financial reports for organizations not required to submit an audit report.

Borrowers whose annual gross incomes for a full year of operation are less than $25,000 and not having an annual audit made by an independent public accountant, will within 60 days following the end of each fiscal year, furnish the FHA County Supervisor with an annual report, consisting of a verification of the organization's balance sheet and statement of income and expense by a committee of the membership not including any officer, director, or employee. Such committees will be appointed by the borrower's governing body and will certify to its examination of the accounts and records. The final statement of income and expense (Form FHA 442–2), for the year and the balance sheet (Form FHA 442–3) will be used.

§ 1823.289 Minimum chart of accounts for FHA borrowers.

Each FHA borrower shall keep its books of account and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit a ready identification, analysis, and verification of all facts relevant thereto. This is a minimum suggested chart of accounts for FHA borrowers. Each borrower should establish a general ledger using only those accounts that are necessary to adequately furnish the information needed to prepare balance sheets and other financial reports. Other needed accounts may be added. Some accounts with credit balances are included among the assets because this is the order in which these accounts are usually shown on the balance sheet. (Example: Allowance for Uncollectible Receivables.)

(a) The numbers preceding each account are for reference purposes only and are not intended to represent a comprehenesive method of coding.

100 ASSETS—CURRENT
101 Cash—Revenue Fund Account.
102 Cash—Operation and Maintenance Fund.
103 Cash—Debt Service.
104 Cash—Reserve Fund.
105 Cash—Construction Funds.
106 Petty Cash and Change Fund.
111 Accounts Receivable—General.
112 Accounts Receivable—Members.
113 Accounts Receivable—Employees.
115 Allowance for Uncollectible Receivables.
121 Inventory.
150 ASSETS—FIXED
151 Plant and buildings.
152 Office furniture and fixtures.
153 Machinery and equipment.
154 Automotive equipment.
159 Allowance for depreciation.
161 Land.
164 Organization expense.
180 ASSETS—DEFERRED
181 Prepaid expenses.
200 LIABILITIES—CURRENT
201 Accounts Payable—Members.
202 Accounts Payable—Trade.
203 Notes Payable—Current Portion.
204 Taxes—Payable.
207 Interest Payable.
212 Wages—Payable.
250 LIABILITIES—LONG TERM
253 Notes Payable—FHA.
254 Notes Payable—Members.
260—LIABILITIES—OTHER
280 NET WORTH
281 Members invested equity.
288 Retained earnings.
300 INCOME ACCOUNTS
301 Membership dues.
304 Sales.
306 Rent.
310 Miscellaneous.
317 Interest.
400 EXPENSES
402 Salaries—Wages.
404 Taxes.
413 Accounting fees.
414 Legal fees.
417 Interest.
418 Utilities.
422 Gasoline, oil, fuel.
423 Insurance.
430 Repairs and maintenance.
431 Supplies.
438 Office supplies and printing.
440 Supplies for resale.
446 Bank charges.
448 Miscellaneous.
450 Depreciation—General.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529; Order of Dir., OEO, 29 F.R. 14764)

Dated: April 3, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72–5391 Filed 4–7–72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 128]

[CGD 72–51 CP]

APRA HARBOR, GUAM

Proposed Anchorage Grounds, Navigation Areas and Security Zones; Correction

The document proposing to add Part 128 to Title 33 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Wednesday, March 15, 1972 (37 F.R. 5392), erroneously described the Apra Harbor Regulated Navigation Area. This document corrects the errors. Therefore, it is proposed to add § 128.-1401(a) to read as follows:

§ 128.1401 Apra Outer Harbor, Guam.

(a) The following is a Regulated Navigation Area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47'' N., longitude 144°35'07'' E.; thence to Spanish Rocks at latitude 13°27'09.5'' N., longitude 144°37'20.6'' E.; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1'' N., longitude 144° 39'52.5'' E. (the northwest corner of Polaris Point); thence to latitude 13°26' 40.2'' N., longitude 144°39'28.1'' E.; thence to latitude 13°26'32.1'' N., longitude 144°39'02.8'' E.; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42'' N., longitude 144°36'58.5'' E.; thence to the beginning.

* * * * *

(Sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b)(1); Proc. No. 2914, 3 CFR 1949–53 Comp., p. 99 (1950); E.O. 10637, 3 CFR, 1954–58 Comp., p. 269 (1955); 49 CFR 1.46 (b))

Dated: April 5, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard,
Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72–5431 Filed 4–7–72;8:48 am]

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 72–WA–14]

AREA HIGH ROUTE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high route J992R from Refinery, Tex., to Tulsa, Okla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

This route would serve as a bypass route to the Dallas terminal complex for flights northbound from the Houston area to Kansas City, Chicago, or Washington, D.C. areas. It would additionally provide an alternate route to the Houston area from these points.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating an area high route as follows:

J992R REFINERY, TEX., TO TULSA, OKLA.

Humble, Tex	354.0°M/20.0NM	Lat. 30°17'26" N., long. 95°19'55" W.
Greater Southwest, Tex.	076.5°M/76.7NM	Lat. 32°54'39" N., long. 95°31'36" W.
Oklahoma City, Okla.	055.4°M/106.9NM	Lat. 36°11'46" N., long. 95°47'16" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on April 3, 1972.

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

[FR Doc.72-5384 Filed 4-7-72;8:46 am]

[14 CFR Part 91]

[Docket No. 11844; Notice 72-10]

GENERAL OPERATING AND FLIGHT RULES

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering rule making with respect to Part 91 of the Federal Aviation Regulations concerning the reorganization and clarification of that part.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public proceedings in actions related to rule making. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule making problem.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before July 7, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 91 of the Federal Aviation Regulations was recodified in 1963 in accordance with the agency recodification program. The adoption of Part 91 (published in the FEDERAL REGISTER June 29, 1963, 28 F.R. 6702) added to the new Subchapter F "Air Traffic and General Operating Rules," a part that combined some sections of at least two major parts of the Civil Air Regulations—Part 43, "General Operation Rules," and Part 60, "Air Traffic Rules," without making substantive changes. Since its adoption in 1963, Part 91 has been amended 96 times. Each amendment has contained a preamble explaining its purpose. Currently, a notice of proposed rule making is outstanding that, if adopted, would add general operating rules and an inspection program for large and turbine-powered multiengine airplanes.

Before preparing any specific rule making proposals for reorganizing and clarifying Part 91, the FAA believes that comments and suggestions from the general aviation community, as well as from other interested persons, will make any rearrangement and rewriting of the material in Part 91 more productive and acceptable. To this end, the FAA welcomes the participation of members of the general aviation community as well as other interested persons. In particular, comments are requested on the following questions:

(1) Would Part 91 be more functional if the material were divided into two or more parts?

(2) If it is believed that division into parts would assist in making the material more functional, what would be the most logical criteria for division? For example, should operating rules be separated from air traffic rules? Should rules affecting large or complex aircraft be separated from those that apply to small aircraft?

(3) What sections of Part 91 need clarification? What sections are subject to more than one interpretation?

(4) Should the sections within Part 91 be rearranged?

(5) What sections in other parts should be included in Part 91?

(6) What other recommendations can be made to improve the clarity of Part 91 by changes to format, wording, and organization?

It is to be noted that, while the FAA welcomes recommendations for substantive changes to the regulations, such recommendations should not be submitted in answer to this advance notice, since this advance notice is concerned solely with the organization and clarification of the present substantive material in Part 91. Recommendations for substantive changes should be submitted pursuant to § 11.25 of the Federal Aviation Regulations.

This advance notice of proposed rule making is issued under the authority of sections 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), and 1421), and section 6 (c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 31, 1972.

WILLIAM G. SHREVE, Jr.,
Acting Director, Flight Standards Service.

[FR Doc.72-5382 Filed 4-7-72;8:46 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 179]

[Docket No. HM-101; Notice 72-5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Markings on Tank Cars

The Hazardous Materials Regulations Board is considering amendment of several sections in Parts 173 and 179 of the Department's Hazardous Materials Regulations. These amendments would require the name of certain hazardous materials being transported to be marked on the sides of tank cars in compliance with specific detailed marking requirements.

Based on the Department's observations during accident situations, and on recommendations from fire, safety and police personnel, the Board believes that existing regulations covering special commodity markings on tank cars are not adequate. Identification by name of certain materials in tank cars by improved markings designed for greater visibility is an area of the regulations which needs upgrading. Improvements in marking would contribute to overall safety in transportation of these hazardous materials by tank car.

Several flammable liquefied compressed gases have been frequently involved in accidents. The present regulations do not require the names of these materials to be identified on tank cars. This proposal is to require the name of any flammable liquefied compressed gas being transported to appear on the tank car. In addition, the proposal is to change the marking requirements for other hazardous materials that are now required to be identified by marking on a tank car. These same changes would be made to cars covered under Docket No. HM-91; Notice No. 71-25 (36 F.R. 20166).

The proposal states that the commodity marking on a tank car must be in compliance with certain detailed requirements. These requirements are found in proposed § 173.31(a)(6) and specify the height of the letters, the size of the marking stroke, the spacing of the letters, and the use of contrasting colors.

Editorial changes are proposed in § 173.31(a)(4) for clarification purposes.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 179 as follows:

PART 173—SHIPPERS

(A) In § 173.31, paragraph (a)(4) would be amended; paragraph (a) (5) and (6) would be added to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) * * *

(4) Tank cars and appurtenances may be used for the transportation of a

commodity only when this transportation is authorized under Part 170 or 173 of this chapter and when the hazardous material is indicated on the certificate of construction filed with the Association of American Railroads' Committee on Tank Cars. Tank cars, proposed for a service other than indicated on the certificate of construction, are required to be first approved for such service by the Association of American Railroads' Committee on Tank Cars. Transfer of a tank car from one authorized service to another authorized service may be made only by the owner or with the owner's authorization.

(Note 1 remains the same.)

(5) When a tank car is marked with the name of a specific hazardous material (see listing in § 172.5 of this chapter unless otherwise specified in this Part 173), it may not be used for any other service until the marking is changed.

(6) Each name of a hazardous material required to be shown on the tank car must appear on a background of sharply contrasting color and must be readily visible when viewed from each side of the tank car. Each letter may not be less than 6 inches high, using a minimum of ¾-inch stroke. Separation between each letter may not be less than 1 inch.

* * * * *

(B) In § 173.122, paragraph (a)(3) would be amended to read as follows:

§ 173.122 Acrolein, inhibited.

(a) * * *

(3) Specification 105A300W (§§ 179.100, 179.101 of this chapter) tank cars.

(i) Each tank car must be stenciled DOT–105A200W, and must be equipped with the 150 p.s.i.g. safety relief valve required by that specification.

(ii) Each tank car must be marked "ACROLEIN" in accordance with the requirements of § 173.31(a)(6).

* * * * *

(C) In § 173.289, paragraph (a)(2) would be amended to read as follows:

§ 173.289 Formic acid and formic acid solutions.

(a) * * *

(2) Specification 103CW or 103EW (§§ 179.200, 179.201 of this chapter) tank cars. Specification 103EW tank cars must be fabricated from Type 316 stainless steel. Each tank car must be marked "FORMIC ACID" in accordance with the requirements of § 173.31(a)(6).

* * * * *

(D) In § 173.314 paragraph (c), the table would be amended; Note 23 would be added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
(change)	*Percent*	
Anhydrous ammonia; Note 23	50	DOT–106A500X, Note 7.
	57	DOT–105A300W.
	57	DOT–112A400F, 112A340W, 114A340W, Note 15.
	58.8	DOT–112A400F, 112A340W, 114A340W, Note 15.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.) inhibited; Note 23.	Notes 18 and 21.	ICC–105A100 [1], 105A100W, 111A100W4, Note 4.
Butadiene (pressure not exceeding 255 pounds per square inch at 115° F.) inhibited; Note 23.	Notes 18 and 21.	DOT–112A340W, 114A340W, Notes 4 and 20.
Butadiene (pressure not exceeding 300 pounds per square inch at 115° F.) inhibited; Note 23.	Notes 18 and 21.	DOT–112A400W, 114A400W, Notes 4 and 20.
Difluoroethane; Note 23	79	DOT–106A500X, 110A500W, Note 7.
	84	DOT–105A300W.
Difluoromonochloroethane; Notes 13 and 23	100	DOT–106A500X, 110A500W, Note 7.
		DOT–105A100W, Note 4.
Dimethylamine, anhydrous; Note 23	59	DOT–106A500X.
	62	DOT–105A300W, Note 4.
Dimethyl ether; Note 23	59	DOT–106A500X, 110A500W.
	62	DOT–105A300W, Note 4.
Hydrogen; Note 23	Note 20	DOT–107A, Note 2.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.); Note 23.	Note 21	ICC–105A100, [1] 105A100W, 111A100W4, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.); Note 23.	Note 21	DOT–105A300W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 300 pounds per squar inch at 105° F.); Note 23.	Note 21	DOT–105A400W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 105° F.); Note 23.	Note 21	DOT–105A500W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.); Note 23.	Note 21	DOT–105A600W, Note 4.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.); Note 23.	Note 18	ICC–105A100, [1] 105A100W, 111A100W4, Note 4.
Liquefied petroleum gas (pressure not exceeding 150 pounds per square inch at 105° F.); Note 23.	Note 18	DOT–105A200W, 105A200ALW, Note 4.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.); Note 23.	Note 18	DOT–105A300W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 255 pounds per square inch at 115° F.); Note 23.	Note 18	DOT–112A340W, 114A340W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.); Note 23.	Note 18	DOT–105A400W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.); Note 23.	Note 18	DOT–112A400F, 112A400W, 114A400W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.); Note 23.	Note 18	DOT–105A500W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.); Note 23.	Note 18	DOT–105A600W, Notes 4 and 20.
Methylacetylene-propadiene, stabilized; Note 23	Note 22	DOT–105A300W, 112A340W, 114A340W, 106A500X, Notes 4 and 9.
Methyl chloride; Note 23	84	DOT–106A500X, Note 7.
	86	DOT–105A300W, Note 4.
Methyl chloride-methylene chloride mixture; Note 23	Note 22	DOT–106A500X, Note 7, DOT–105A300W, Note 4.
Methyl mercaptan; Note 23	80	DOT–106A500X, Notes 7 and 14.
	82	DOT–105A300W, Note 4.
Monomethylamine, anhydrous; Note 23	60	DOT–106A500X.
	62	DOT–105A300W, Note 4.
Trifluorochloroethylene; Note 23	115	DOT–106A500X, 110A500W, Note 7.
	120	DOT–105A300W, Note 4.
Trimethylamine, anhydrous; Note 23	57	DOT–106A500X.
	59	DOT–105A300W, Note 4.
Vinyl chloride; Notes 9 and 23	84	DOT–106A500W, Note 7.
	87	DOT–105A200W, Notes 4 and 16.
	86	DOT–112A340W, Note 4.
Vinyl fluoride, inhibited; Note 23	58	DOT–105A600W, Note 17.
Vinyl methyl ether, inhibited; Notes 9 and 23	68	ICC–105A100 [1], 105A100W, Note 4.
	68	DOT–106A500W, Note 7.

[1] Use of existing tank cars authorized, but new construction not authorized.

* * * * * * *

NOTE 23: Each tank car tank, except series 106A* * * or 110A* * *, must be marked with the name of the gas (see § 172.5(a) of this chapter) contained in the tank car in accordance with the requirements of section 173.31(a)(6).

(E) In § 173.332, paragraph (a)(3) would be added to read as follows; paragraph (d) would be canceled.

§ 173.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.

(a) * * *

(3) Specification 105A500W or 105A-600W (§§ 179.100, 179.101 of this chapter) tank cars.

(i) Each tank car must be stenciled DOT–105A300W, and must be equipped with the 225 p.s.i.g. safety relief valve required by that specification.

(ii) The maximum permitted filling density is 63 percent of the water capacity of the tank .

(iii) Each tank car must be insulated with not less than 4 inches of corkboard, and must be marked "HYDROCYANIC ACID" in accordance with the requirements of § 173.31(a)(6).

(iv) Written procedure covering details of tank car appurtenances, dome fittings, and safety devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any tank is offered for transportation of hydrocyanic acid.

* * * * *

(d) [Canceled]

(F) In § 173.336, paragraph (a)(4) would be amended to read as follows:

§ 173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

(a) * * *

(4) Specification 105A500W (§§ 179.-100, 179.101 of this chapter) tank cars. Authorized for nitrogen tetroxide only.

(i) Each tank car must be insulated with not less than 4 inches of corkboard. All valves and fittings must be protected by a securely attached metal cover not subject to deterioration by the lading. All valve openings except the safety valve, must be fitted with gas-tight screw plugs or caps. Each safety valve must be equipped with a stainless steel or platinum frangible disc.

(ii) Each tank car must be marked "NITROGEN TETROXIDE" in accordance with the requirements of § 173.31(a)(6).

(iii) Written procedure covering details of tank car appurtenances, dome fittings, and safety devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any tank car is offered for transportation of nitrogen tetroxide.

(G) In § 173.338, paragraph (a)(4) would be amended to read as follows:

§ 173.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) * * *

(4) Specification 105A500W (§§ 179.-100, 179.101 of this chapter) tank cars.

(i) Each tank car must be insulated with not less than 4 inches of corkboard. All valves and fittings must be protected by a securely attached metal cover not subject to deterioration by the lading. All valve openings, except the safety valve, must be fitted with gas-tight screw plugs or caps. Each safety valve must be equipped with a stainless steel or platinum frangible disc.

(ii) Each tank car must be marked "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURE" in accordance with the requirements of § 173.31(a)(6).

(iii) Written procedure covering details of tank car appurtenances, dome fittings, and safety devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any car is offered for transportation of nitrogen tetroxide-nitric oxide mixtures.

(H) In § 173.354, paragraph (a)(4) would be amended to read as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

(a) * * *

(4) Specification 105A300W (§§ 179.-100, 179.101 of this chapter) tank car. Use of this tank car not authorized for tetraethyl lead. Each tank car must be marked "MOTOR FUEL ANTIKNOCK COMPOUND" in accordance with the requirements of § 173.31(a)(6).

* * * * *

PART 179—SPECIFICATIONS FOR TANK CARS

(A) Section 179.15 would be added to read as follows:

§ 179.15 Marking.

When a tank car is required to be marked with the name of a hazardous material, this marking must appear on a background of sharply contrasting color and must be readily visible when viewed from each side of the tank car. Each letter may not be less than 6 inches high, using a minimum of ¾-inch stroke. Separation between each letter may not be less than 1 inch.

(B) In § 179.102–2 paragraph (a)(5) would be amended; in § 179.102–3 paragraph (a)(4) would be added; in § 179.-102–6 paragraph (a)(6) would be added; in § 179.102–8 paragraph (a)(1) would be amended and (a)(2) would be added; in § 179.102–9 paragraph (a)(1) would be amended, (a)(2) and (a)(3) would be added; in § 179.102–10 paragraph (a)(1) would be amended, (a)(2), (a)(3), and (a)(4) would be added; § 179.102–14 would be amended to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102–2 Chlorine.

(a) * * *

(5) Each tank car must be marked "CHLORINE" in accordance with the requirements of § 179.15.

§ 179.102–3 Liquefied flammable gases.

(a) * * *

(4) Each tank car must be marked with the proper shipping name of liquefied flammable gas being transported in accordance with the requirements of § 179.15.

§ 179.102–6 Vinyl chloride or vinyl methyl ether, inhibited.

(a) * * *

(6) Each tank car must be marked "VINYL CHLORIDE" or "VINYL METHYL ETHER, INHIBITED", as appropriate, in accordance with the requirements of § 179.15.

§ 179.102–8 Motor fuel antiknock compound.

(a) * * *

(1) Openings in tank heads to facilitate application of nickel lining are authorized if closed in an approved manner.

(2) Each tank car must be marked "MOTOR FUEL ANTIKNOCK COMPOUND" in accordance with the requirements of § 179.15.

§ 179.102–9 Nitrogen tetroxide or Nitrogen tetroxide-nitric oxide mixtures.

(a) * * *

(1) Each tank car must be insulated with not less than 4 inches of corkboard. All valves and fittings must be protected by a securely attached metal cover not subject to deterioration by the lading. All valve openings, except the safety relief valves, must be fitted with gas-tight screw plugs or caps. Each safety relief valve must be equipped with a stainless steel or platinum frangible disc.

(2) Each tank car must be marked "NITROGEN TETROXIDE" or "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURE", as appropriate, in accordance with the requirements of § 179.15.

(3) Written procedure covering details of tank car appurtenances, manway fittings, and safety relief devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any car is offered for transportation of these commodities.

§ 179.102–10 Hydrocyanic acid.

(a) * * *

(1) Each tank car must be a DOT-105A500W or higher rated tank so registered.

(2) Each tank car must be stenciled DOT–105A300W and must be equipped with the 225 p.s.i.g. safety relief valve required by that specification.

(3) Each tank car must be insulated with not less than 4 inches of corkboard and must be marked "HYDROCYANIC ACID" in accordance with the requirements of § 179.15.

(4) Written procedure covering details of tank car appurtenances, manway fittings, and safety relief devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any tank car is offered for transportation of hydrocyanic acid.

§ 179.102–14 Acrolein inhibited.

(a) Tank cars used to transport acrolein inhibited must be in compliance with the following special requirements:

(1) Each tank car must be a DOT-105A300W or higher rated tank so registered.

(2) Each tank car must be stenciled DOT-105A200W and must be equipped with the 150 p.s.i.g. safety relief valve required by such specification.

(3) Each tank car must be marked "ACROLEIN" in accordance with the requirements of § 179.15.

(C) Section 179.202-15 would be amended to read as follows:

§ 179.202 Special commodity requirements for nonpressure tank car tanks.

§ 179.202-15 Formic acid and formic acid solutions.

(a) Tank cars used to transport formic acid and formic acid solutions must be in compliance with the following special requirements:

(1) Specification DOT-103EW tank car tanks must be fabricated from Type 316 stainless steel and must be marked "FORMIC ACID" in accordance with the requirements of § 179.15.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before July 25, 1972 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on April 3, 1972.

G. H. READ,
Captain, Alternate Board Member for the U.S. Coast Guard.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

[FR Doc.72-5331 Filed 4-7-72;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 72-4; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Notice of Proposed Rule Making

The purpose of this notice is to propose an amendment to 49 CFR 571.108 and 571.108a, Motor Vehicle Safety Standards Nos. 108 and 108a, *Lamps, Reflective Devices, and Associated Equipment*, that would amend the test method for reflex reflectors.

The Federal lighting standards incorporate by reference SAE Standard J594d, "Reflex Reflectors," March 1967. Referring to specular reflection, J594d requires that "the uncolored reflection from the front surface (of the reflector) shall be such that, at any of the test stations, the color of the signal shall not be obliterated." In the revision to this standard, J594e, March 1970, the requirement is modified to permit photometric testing at a range around a test point if specular reflection is encountered at the test point itself. In the words of J594e, "if uncolored reflections from the front surface interfere with photometric readings at any test point, the operator shall check 1 degree above, below, right, and left of the test point, and report the lowest reading and location. The latter must meet the minimum requirements for the tests point."

The test method of J594d rejected the product because it interfered with test procedures, whereas the test method of J594e has modified the test procedure to permit valid photometry despite specular reflection that might occur at a test point. The Stimsonite Division of Amerace-Esna Corp. has asked the NHTSA to consider allowing the test procedure of J594e. The NHTSA has decided that Stimsonite's request merits initiation of rule making.

In consideration of the foregoing it is proposed that the applicable SAE standard for reflex reflectors incorporated by reference in table I and table III of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, and § 571.108a, Motor Vehicle Safety Standard No. 108a, be SAE Standard J594e, "Reflex Reflectors," March 1970.

Interested persons are invited to submit written data, views, or arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on May 8, 1972 will be considered, and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: Thirty days after publication of the final rule in the FEDERAL REGISTER (Standard No. 108); January 1, 1973 (Standard No. 108a).

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 3, 1972.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.72-5417 Filed 4-7-72;8:49 am]

[49 CFR Part 571]

[Docket No. 72-5; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Notice of Proposed Rule Making

The purpose of this Notice is to propose an amendment to 49 CFR 571.108 and 571.108a, Motor Vehicle Safety Standards No. 108 and 108a, *Lamps, Reflective Devices, and Associated Equipment*, that would specify identical turn signal and stop lamp performance requirements for all motor vehicles less than 80 inches in overall width.

These Standards require (Table III) passenger cars, multipurpose passenger vehicles, trucks, and buses to be equipped with "Class A" turn signal lamps. Class A lamps, prior to Standard No. 108, were generally found only on vehicles whose overall width is 80 inches or more. Class A lamps differ from Class B lamps in having a minimum effective projected illuminated area of 12 square inches, rather than 3½ square inches. Paragraph S4.1.1.7 of those standards, however, permits passenger cars to meet Class A photometrics through an effective projected illuminated area not less than that of a Class B lamp. Jeep Corp. has asked that this same exception be provided for all vehicles less than 80 inches in overall width, commenting that there is no safety need for a larger sized lamp on a vehicle less than 80 inches wide, and that an amendment of this nature will allow it to standardize vehicle equipment. The National Highway Traffic Safety Administration has determined that Jeep's petition merits rule making and is publishing this notice in order to obtain comments from interested persons.

Paragraph S4.1.1.7 also applies the same provisions to passenger car stop lamps, and it is appropriate to allow stop lamps on other vehicles less than 80 inches in overall width to meet these requirements.

In consideration of the foregoing, it is proposed that the first sentence of paragraph S4.1.1.7 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, and 571.108a, Motor Vehicle Safety Standard No. 108a be revised to read: "Stop lamps on each passenger car, and on each multipurpose passenger vehicle, truck, trailer, and bus less than 80 inches in overall width manufactured on or after January 1, 1973, and turn signal lamps on each passenger car, and on each multipurpose passenger vehicle, truck, trailer, and bus less than 80 inches in overall width shall meet the photometric minimum candlepower requirements for Class A turn signal lamps,

and shall have effective projected illuminated areas not less than those of Class B lamps as specified in SAE Standard J588d, "Turn Signal Lamps," June 1966."

Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on June 8, 1972 will be considered, and will be available in the docket at the above address for examination before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective dates: Thirty days after publication of the final rule in the FEDERAL REGISTER (Standard No. 108); January 1, 1973 (Standard No. 108a).

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

APRIL 3, 1972.

[FR Doc.72-5418 Filed 4-7-72;8:50 am]

[49 CFR Part 571]

[Dockets Nos. 69-20; Notice 4]

ACCELERATOR CONTROL SYSTEMS

Time of Throttle Return to Idle

The purpose of this notice is to propose an amendment of Motor Vehicle Safety Standard No. 124, 49 CFR 571.124, that would add a one-half-second time limit in which the throttle would be required to return to the idle position.

Standard No. 124 published today (37 F.R. 7097) establishes requirements for the return of a vehicle's throttle to the idle position, when the driver removes the actuating force from the accelerator control or in the event of a breakage or disconnection in the accelerator control system. The NHTSA has tentatively determined that a minimum time interval of one-half second should be included in the requirement to clarify the return-to-idle requirement and aid in its enforcement. It should be noted that the time relates to the throttle position and not to the engine speed.

It is therefore proposed that the following changes be made in Standard No. 124, 49 CFR 571.124:

1. In S5.1, the phrase "within one-half second" would be added after the words "idle position."

2. In S5.2, the last sentence would be changed to read: "The return to idle shall occur within one-half second, measured either from the time of the breakage or disconnection or from the first removal of the opposing actuating force by the driver."

Proposed effective date: September 1, 1973.

Interested persons are invited to submit written data, views, and arguments concerning the proposed amendment. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted.

All comments received before the close of business on May 8, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments filed after the above date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 3, 1972.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.72-5416 Filed 4-7-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19418]

CABLE TELEVISION SYSTEMS

Proposed Importation of Radio Signals; Extension of Time

Order. In the matter of amendment of Part 76 of the Commission's rules and regulations to Govern Importation of Radio Signals by Cable Television Systems, Docket No. 19418, RM-1782.

1. The National Association of Broadcasters, by petition dated March 29, 1972, requests a 2-week extension of time for filing comments in Docket No. 19418. Originally, comments were scheduled to be filed on or before March 16, 1972; at the request of the Rocky Mountain Broadcasters' Association, this date was extended to April 3, 1972.

2. In support of the requested extension, NAB alleges that it would enable its staff to prepare meaningful comments, which they have been unable to do thus far because of the "accumulation of pressing communications matters now confronting" them. Various proceedings are listed by NAB in support of their contention: The Commission's current hearings on the Fairness Doctrine, efforts toward industry agreement on draft CATV copyright legislation, membership implementation of the new political rate law, drafting of cable pleadings in Docket No. 18397, and preparation for the NAB convention.

3. It appears that the public interest would be served by granting the requested extension of time so that NAB will have a reasonable opportunity to devote its attention to consideration of the present rule making proceeding.

Accordingly, it is ordered, Pursuant to § 0.289(c)(4) of the Commission's rules, that the "Petition for Further Extension of Time" filed March 29, 1972, is granted, and that the times for filing comments and reply comments in the above-captioned proceeding are extended until April 17 and May 8, 1972, respectively.

Adopted and released: March 30, 1972.

[SEAL] SOL SCHILDHAUSE,
Chief, Cable Television Bureau.

[FR Doc.72-5414 Filed 4-7-72;8:47 am]

Notices

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

BURGESS MINING AND CONSTRUCTION CORP.

Petition for Modification of Safety Standard

MARCH 31, 1972.

In regard petition of Burgess Mining and Construction Corp., Docket No. M 72-31, for modification of a mandatory safety standard, Boothton Strip Operations (section 101(i) of the Act as implemented by § 77.201-1 of the regulations prescribed by the Secretary).

Notice is hereby given that Burgess Mining and Construction Corp. (petitioner) has filed a petition to modify the application of section 101(i) of the Act as implemented by § 77.201-1 of the regulations prescribed by the Secretary, with respect to its Boothton Strip Operations. Section 77.201-1 of the regulations provides as follows:

Section 77.201-1 *Tests for methane; qualified person; use of approved device.* Tests for methane in structures, enclosures, or other facilities, in which coal is handled or stored shall be conducted by a qualified person with a device approved by the Secretary at least once during each operating shift, and immediately prior to any repair work in which welding or an open flame is used, or a spark may be produced.

Petitioner requests that the application of § 77.201-1 be modified to permit Burgess to operate a preparation plant where coal is crushed and store without the testing therein for methane. Petitioner's position is as follows:

The Company maintains a preparation plant where coal is crushed and stored until ready for loading on a unit train. In loading the train large doors are opened beneath the coal storage area permitting the coal to be distributed on a conveyor for transporting to the train. The tunnel where the conveyor is located is approximately 130 feet in length, 8 feet wide and 9 feet high. An escape opening is provided and the tunnel is well ventilated. The crusher building is an above ground structure which is open and well ventilated.

* * * * *

A test for methane has now been made at the crusher and inside the tunnel on every working day since November 24, 1971. No trace of methane has been recorded during any of these tests.

Parties interested in this petition shall file their answer or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

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

MARCH 31, 1972.

[FR Doc.72-5426 Filed 4-7-72;8:48 am]

Office of the Secretary

NEWLANDS RECLAMATION PROJECT, NEVADA

Operating Criteria and Procedures; Truckee and Carson Rivers

Pursuant to the requirements of 43 CFR § 418.3(a) notice is hereby given that the following operating criteria, approved by the Secretary of the Interior on April 4, 1972, for coordinated operation and control of the Truckee and Carson Rivers for service to the Newlands Reclamation Project, Nevada, will be in effect for the calendar year beginning January 1, 1972.

W. T. PECORA,
Acting Secretary of the Interior.

OPERATING CRITERIA AND PROCEDURES FOR COORDINATED OPERATION AND CONTROL OF THE TRUCKEE AND CARSON RIVERS FOR SERVICE TO NEWLANDS PROJECT DURING THE YEAR BEGINNING JANUARY 1, 1972

The Secretary desires to keep viable both the Newlands Reclamation Project and Pyramid Lake. To this end the Truckee-Carson Irrigation District, in satisfying its needs for irrigation diversions, will maximize the use of Carson River water and minimize the use of Truckee River water. The total water supplied to the district in calendar year 1972 from both the Carson and Truckee Rivers will be limited to the amount required for irrigation of the lands actually under irrigation production in 1972 in the exercise of water rights consistent with the Truckee River Decree and the Carson River Decree. Said total water supply, measured at the gaging station below Lahontan Dam and at diversion points along the Truckee Canal, shall be minimized to the maximum extent that the District, with the active assistance of the Bureau of Reclamation, can improve operating efficiencies.

There shall be no water for single-purpose power generation, except that power may be generated with water from Lahontan Reservoir which is either uncontrollable spill or a precautionary drawdown.

The operation of Derby Diversion Dam, Truckee Canal, and Lahontan Reservoir will be coordinated. Diversions of water from the Truckee River into and through the Truckee Canal will be controlled in accordance with the following operating criteria:

(1) If available, sufficient water will be diverted into Truckee Canal to meet direct irrigation requirements along the Truckee Canal.

(2) During the months November 1971 through March 1972, diversions through the Truckee Canal into Lahontan Reservoir will be made in accordance with the tabulation shown on the next page.

Operating month	If accumulated precipitation from October 1 to date at Tahoe City, Calif.		Continue Truckee Canal diversion to Lahontan Reservoir if water surface elevation is less than upper limit. (Feet m.s.l.)[1]	
			Lower limit [2]	Upper limit
		Inches		
November	Equals or less than	6	4151.8	4152.2
	Greater than	6	4145.4	4145.8
December	Less than	6	4154.8	4155.2
	Is or between	6 and 8	4148.8	4149.2
	Greater than	8	4132.9	4133.3
January	Less than	8	4157.5	4157.9
	Is or between	8 and 14	4152.5	4152.9
	Greater than	14	4139.5	4139.9
February	Less than	14	4160.0	4160.4
	Is or between	14 and 18	4155.7	4156.1
	Between	18 and 24	4145.4	4145.8
	Is or greater than	24	4135.2	4135.6
March	Less than	18	4161.6	4162.0
	Is or between	18 and 24	4159.1	4159.5
	Between	24 and 30	4151.8	4152.2
	Is or greater than	30	4135.2	4135.6

[1] USBR 1917 datum.
[2] Truckee Canal Diversion to Lahontan Reservoir should be started only when water surface elevation falls below lower limit.

These operating criteria will permit diversion through the Truckee Canal for Lahontan Reservoir storage on the basis of water-surface elevation of Lahontan Reservoir and accumulated precipitation recorded at the National Weather Service station, Tahoe City, Calif. The water-surface elevation will be measured at the existing measuring device in the outlet control house on the upstream side of Lahontan Dam. Corrections will be made for effects of surges on water-level elevations. During the months November through March, the accumulated precipitation subsequent to the previous October 1 as recorded at Tahoe City, Calif., in conjunction with current water-surface elevation of Lahontan Reservoir, will be the basis for allowing or not allowing Truckee Canal diversion.

(3) During the months of April and May, Truckee Canal operation will be based on forecasts of April through July runoff made

by the Soil Conservation Service for Carson River at Fort Churchill (Lahontan Reservoir inflow) based on snow surveys by the Soil Conservation Service, in cooperation with other agencies, as follows:

(a) If the forecast of April through July runoff for Carson River at Fort Churchill exceeds 250,000 acre-feet, Truckee Canal diversions from Truckee River will be restricted only to irrigation diversions from the Truckee Canal plus minimum operational spills.

(b) If the April through July forecast of runoff is less than 200,000 acre-feet, available Truckee River water may be diverted to Lahontan Reservoir, with the objective of filling the reservoir but without causing spill to occur from the reservoir.

(c) For forecasts between these extremes, Truckee Canal diversion to Lahontan Reservoir will be permitted if, and only if, Lahontan Reservoir storage during April or May is less than the index storage levels defined as follows: The index storage levels in Lahontan Reservoir, for the April through May period, will be adjusted daily on a straight line interpolation, beginning with an index water-surface elevation in Lahontan Reservoir of 4,152.2 feet m.s.l. on April 1 and allowing a constant daily increase of index water-surface elevation to a May 1 elevation of 4,157.3 feet m.s.l. During May, the index elevation will increase at a constant daily rate to a June 1 amount of 4,161.1 feet m.s.l. To avoid undue fluctuations in Truckee Canal Diversions, the diversion to Lahontan Reservoir may continue until the reservoir water-surface elevation is 0.1 foot above the index storage level. The diversion to Lahontan Reservoir through the Truckee Canal may be restarted if the reservoir water-surface elevation falls 0.2 foot below the index storage level.

(4) During the month of June, diversion of Truckee Canal water into Lahontan Reservoir and Carson River will be made to fill Lahontan Reservoir insofar as possible without spilling.

(5) During July through October, the Truckee Canal diversions to Lahontan Reservoir or Carson River will be restricted on the basis of water-surface elevation of Lahontan Reservoir as shown on the following tabulation:

Operating month	Continue Truckee Canal diversion to Lahontan Reservoir if water-surface elevation is less than upper limit. (Feet m.s.l.)[1]	
	Lower limit [2]	Upper limit
July	4159.1	4159.5
August	4154.4	4154.8
September	4148.8	4149.2
October	4149.6	4150.0

[1] USBR 1917 datum.
[2] Truckee Canal Diversion to Lahontan Reservoir should be started only when water-surface elevation falls below lower limit.

Previous Secretarial restrictions on the use of conservation storage capacity in the Stampede Reservoir are hereby rescinded.

Stampede Reservoir will be operated by the Bureau of Reclamation, in coordination with Lake Tahoe, Prosser Creek, Boca, and Lahontan Reservoirs, to help minimize diversions from Truckee River through the Truckee Canal, to assist in evaluation studies and actual reestablishment of fishery runs from Pyramid Lake into the Truckee River, and for flood control, recreation, and fish and wildlife benefits.

In the event of serious drought conditions, the water stored at Stampede Reservoir may be used at the option of the Secretary to help alleviate drought conditions on the Newlands Project.

Prior to October 1, 1972, revised operating criteria for operating project facilities beginning November 1, 1972, will be published in the FEDERAL REGISTER, and these shall include the use of Stampede Reservoir to the extent necessary to assist in the aim of minimizing Truckee River diversions to and through the Truckee Canal. These and subsequent revisions of the operating criteria shall take full advantage of all implementation of the water-saving recommendations of the Pyramid Lake Task Force with a view toward progressive reductions of the irrigation requirements of the Newlands Project.

[FR Doc.72-5451 Filed 4-7-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BETZ LABORATORIES, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2A2743) has been filed by Betz Laboratories, Inc., Somerton Road, Trevose, Pa. 19047 proposing that § 121.1088 *Boiler water additives* (21 CFR 121.1088) be amended in paragraph (c) to provide for the safe use of sodium carboxymethylcellulose in the preparation of steam that will contact food.

Dated: March 29, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5396 Filed 4-7-72;8:46 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2778) has been filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, DC 20006 proposing that § 121.2531 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 121.2531) be amended in paragraph (b)(2) to provide for the safe use of primary alcohols in surface lubricants employed in the manufacture of metallic articles that contact food. Such alcohols, consisting of not less than 70 percent normal alcohol containing 12–15 carbon atoms, are manufactured by a modified Oxo process from linear olefins, carbon monoxide, and hydrogen, using an organometallic catalyst.

Dated: March 29, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5397 Filed 4-7-72;8:46 am]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2781) has been filed by Velsicol Chemical Corp., 1725 K Street NW., Washington, DC 20006, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of trimethylolethane tribenzoate as a component of adhesives intended for use in food-contact articles.

Dated: March 29, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5398 Filed 4-7-72;8:46 am]

Food and Drug Administration

[Docket No. FDC-D-274; NADA No. 10-458V and NADA No. 12-232V]

PARLAM DIVISION, ORMONT DRUG & CHEMICAL CO., INC.

Mikedimide 3 Percent and Sebumsol 25 Percent; Notice of Opportunity for Hearing

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Said notice gave the named holders of various NADA's (new animal drug applications) 30 days in which to request an opportunity for a hearing.

Parlam Division, Ormont Drug & Chemical Co., Inc., 520 South Dean Street, Englewood, NJ 07631, the holder of NADA No. 12-232V for Sebumsol 25 percent (a product which contains 25 percent hexamethyltetracosane) and NADA No. 10-458V for Mikedimide 3 percent (a product which contains 3 percent methetharimide) requested that data submitted in response to said notice of opportunity for a hearing be evaluated prior to withdrawal of these products. After having evaluated these data, the Commissioner of Food and Drugs concludes: (1) That Sebumsol 25 percent is evaluated as an effective cerumenolytic agent for removal of ear wax for dogs and cats as labeled, and (2) that Mikedimide 3 percent is probably effective. Mikedimide 3 percent can be rated as effective if the labeling is revised to give full disclosure on this product indicating that it is an analeptic and not a specific antagonist to barbiturates and by deleting directions for routine post-operative use.

The holder of said NADA's is provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate final printed labeling and documentation which will support a regulation (21 CFR Part 135).

Notice is given to all interested persons that similar articles may be marketed provided they are the subject of approved new animal drug applications

and otherwise comply with all of the requirements of the Federal Food, Drug, and Cosmetic Act.

Each holder of a new animal drug application which became effective prior to October 10, 1962 is requested to submit adequate information as necessary to make the application current with regard to manufacturer of the drug, including information on the drugs components and composition, and also including information regarding manufacturing methods, facilities and controls in accordance with requirements of section 512 of the act.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act. (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner 21 CFR 2.120).

Dated: March 31, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5422 Filed 4–7–72;8:47 am]

[Docket No. FDC–D–455; NADA No. 9–911V]

PITMAN-MOORE, INC.

Shampoo Containing Cadmium Sulfide; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of August 12, 1970 (35 F.R. 12793, DESI 9911V) the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Derisol NADA (new animal drug application) No. 9–911V, marketed by Pitman-Moore, Inc., Post Office Box 344, Washington Crossing, NJ 08560.

Pitman-Moore, Inc. responded to the announcement by requesting that approval of NADA No. 9–911V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9–911V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: March 31, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5423 Filed 4–7–72;8:47 am]

[DESI 5887]

STREPTOMYCIN SULFATE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation, Correction

In F.R. Doc. 69–6004 appearing at page 7998 of the FEDERAL REGISTER of May 21, 1969, the word "milligrams" appearing in the third line of the second paragraph under the heading Actions is corrected to read "micrograms".

Dated: March 30, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5421 Filed 4–7–72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72–73N]

PORTION OF ELIZABETH RIVER, NORFOLK HARBOR, VA.

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of H. E. Steel, Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads Area, who has exercised authority as Captain of the Port, such order reading as follows:

PORTION OF THE ELIZABETH RIVER, NORFOLK HARBOR, VA., CLOSED TO NAVIGATION DURING TRANSIT OF THE U.S.S. "FORRESTAL"

SECURITY ZONE

Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 1100R April 10, 1972, until 1330R April 10, 1972, and from 1230R April 14, 1972 until 1500R April 14, 1972, the following area is a Security Zone and I order it be closed to any person or vessel due to transit of the U.S.S. *Forrestal*.

The waters of the Elizabeth River, Norfolk Harbor, Va., within the area between Elizabeth River Channel lighted horn buoy 1 LL 2939 at latitude 36°59'06" north and the Norfolk and Portsmouth Beltline Railroad Bridge which crosses the Southern Branch of the Elizabeth River at latitude 36°48'41" north.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port, 393–9611, Ext. 220.

The Captain of the Port, Hampton Roads Area, shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220, as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: April 6, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72–5502 Filed 4–7–72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24164]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Notice of Postponement of Prehearing Conference Regarding Baggage Liability

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in this proceeding, set for April 6, 1972 (37 F.R. 5311, March 14, 1972), is postponed indefinitely.

Dated at Washington, D.C., April 4, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72–5437 Filed 4–7–72;8:49 am]

[Docket No. 23486; Order 72–3–22]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 9, 1972.

By Order 72–2–59, dated February 16, 1972, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The resolutions, which emanated from various IATA meetings including the Composite Passenger Traffic Conference held at Miami in September and October of 1971, involve administrative, procedural, and technical provisions not affecting basic fare levels.

In deferring action on the subject agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 72–2–59 will herein be made final.

Accordingly, it is ordered, That:

The subject portions of Agreement CAB 22663 [2] be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5439 Filed 4–7–72;8:49 am]

[Docket No. 24376; Order 72–4–11]

UNITED AIR LINES, INC.

Order Dismissing Complaints and Authorizing Carrier Discussions Regarding Proposed Military Fare Changes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1972.

By tariff revision [1] marked to become effective April 17, 1972, United Air Lines, Inc. (United) proposes to relax the current requirement for reduced-fare military transportation,[2] so as to allow members of the armed services to travel at the fares in civilian clothes. Currently, military personnel generally must be in uniform when traveling at military fares.

The carrier alleges that removal of this "red tape" requirement will provide easier and more pleasant travel for servicemen and could generate new traffic and increase revenues. Additionally, United contends that it and 19 other carriers do not presently require the wearing of a uniform when servicemen from Vietnam are traveling on 14-day leave, and that the remaining provisions of the rule provide adequate safeguards against abuse. While the carrier expects an increase in revenue from the experiment, it alleges that it is unable to quantify the gain at this time, and has therefore established a 1-year expiration on the provision so as to permit an evaluation of its effect. Northwest Airlines, Inc. (Northwest) has filed matching revisions for effect April 21, 1972.

Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Frontier Airlines, Inc. (Frontier), and Western Air Lines, Inc. (Western) have filed complaints against the proposal,[3] requesting suspension and investigation. Additionally, these carriers and several other carriers [4] have requested authorization to hold industry meetings to discuss the rules, practices, and procedures involved in the transportation of military personnel on leave, with the purpose of arriving at an equitable and consistent application among all carriers.

The complaints essentially contend that implementation of the proposed rule will increase existing disparities among the carriers in the application of these fares; that the rule would increase the likelihood that military and youth passengers might be confused during boarding procedures, to the detriment of the military; that the filing is totally inconsistent with the Board's mandate for uniformity at the time it previously authorized discussions; [5] and that as the Board stated the "confusion resulting from a lack of uniformity in tariff and carrier practices should be eliminated."

In answer to the complaints, United alleges that any connection between its proposed elimination of the uniform requirement and the prohibition against discrimination contained in section 404(b) is difficult to discern, particularly in view of the positive identification and eligibility requirements which would remain in force; and that this revision will bring more uniformity to the rules governing military fares, as many servicemen are now legitimately traveling at these fares in civilian clothes when on leave from Vietnam or Thailand or on convalescent leave, and that there can be no logical distinction made between those travelers and other military-leave travelers. United further contends that the boarding confusion alluded to by the complainants is nonexistent since all passengers are segregated at the gate by ticket type to facilitate rapid enplanement, and that no changes in this procedure are foreseen, United states its belief that the relaxed uniform requirement will be beneficial to service personnel and expects to increase the numbers of military personnel it carries, although it allegedly is unable to quantify its expectations at this time. Finally, the carrier states its willingness to participate in industry discussions with a view toward achieving uniformity of application of the military fare rules and practices.

The Department of Defense (DOD) has filed an answer in support of United's proposal, agreeing that the wearing of a uniform should not be a prerequisite to the availability of the reduced military fares, and seeking authorization to participate in carrier discussions of the rules and practices should the Board authorize such meetings.

Upon consideration of the tariff revisions, the complaints and answers thereto, and all other relevant matters, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation or suspension. The requests therefor, and consequently the requests for suspension, will be denied and the complaints dismissed.

Since eligibility for the fares will continue to be determined by positive identification of service personnel and their active duty status, the possibility of abuse should not be significantly greater than at present, and we are not persuaded that the wearing of a uniform serves a significant purpose. Nor are we persuaded that the possibility of public confusion during boarding is sufficient to warrant suspension.

Nevertheless, we continue to believe that uniformity among carriers in the application of these military fares is desirable and note that, aside from United's instant proposal, other dissimilar tariff provisions are presently in effect. As indicated, a number of carriers have expressed a similar view, which indicates that industry discussions on this matter may be useful. For these reasons, we will herein grant the requests to hold such discussions.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof:

It is ordered, That:

1. The complaints in Dockets Nos. 24312, 24313, 24317, and 24318 are hereby dismissed;

2. Air West, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Department of Defense, may engage in meetings at which the Board's representatives may be present, for a 90-day period extending from the date of this order, to discuss the matter of rules, practices, and procedures involved in the transportation of military personnel on leave; [6]

3. The Director of the Bureau of Economics shall be given at least 48 hours' notice of the time and place of meetings;

4. The carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes shall be filed with the Board's Docket Section not later than 2 weeks after the close of the discussions;

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[2] Agreement CAB 22663, R–31; R–33; R–52 through R–57; R–70; R–115 through R–117; R–144 through R–146; R–250; R–251; R–253; R–254; R–276; and R–291.

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariff CAB No. 142.

[2] Military personnel traveling on leave or pass at their own expense.

[3] Delta Air Lines Inc. (Delta) and Northeast Airlines, Inc. (Northeast) have filed answers in support of Braniff's complaint.

[4] American Airlines, Inc. (American), Delta, Ozark Air Lines, Inc. (Ozark) and Western.

[5] Order E24360, Nov. 4, 1966.

[6] Consistent with the Board's policy the discussion authorization granted herein does not extend to the matter of fare level.

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or placed in effect; and

6. This order shall be served upon Air West, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Department of Defense.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5440 Filed 4-7-72;8:49 am]

[Docket No. 24315]

MACKENZIE AIR, LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Foreign air carrier permit, United States-Canada points charter service with 18,000 pounds or less take-off weight aircraft.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 2, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Thomas P. Sheehan.

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 25, 1972.

Dated at Washington, D.C., April 4, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-5438 Filed 4-7-72;8:49 am]

[Docket No. 23991]

VOYAGER 1000 ET AL.

Notice of Reassignment of Hearing Regarding Enforcement Proceeding

Voyager 1000, Adam Rueckert, individually, Robert J. Fink, individually, A. Lee Clifford, individually, enforcement proceeding.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding heretofore assigned to be held on April 11, 1972 (37 F.R. 5675; March 13, 1972) is reassigned to be held on April 17, 1972, at 10 a.m. (local time) in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Dated at Washington, D.C., April 4, 1972.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[FR Doc.72-5436 Filed 4-7-72;8:49 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality, March 27 to March 31, 1972.

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

DEPARTMENT OF AGRICULTURE

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

FOREST SERVICE

Draft, March 27

Coronado National Forest, Ariz. Proposed spraying of 2,175 acres with 2,4,5-T herbicide, in order to destroy mesquite trees. Mesquite trees will be dying and defoliating for a minimum of 3 years; there will be a reduced area for honey bees. (ELR Order No. 4036, 20 pages) (NTIS Order No. PB-207 746-D).

OFFICE OF BUDGET AND FINANCE

Final, March 1

H.R. 8714 and S. 1943. Bills which would make provisions of the Poultry Products Inspection Act (21 U.S.C. 451-470) applicable to rabbits slaughtered for human food. (ELR Order No. 3049, 4 pages) (NTIS Order No. PB-207 670-E).

SOIL CONSERVATION SERVICE

Final, March 31

Cameron, Willacy, Hidalgo, and Stan Counties, Tex. The proposed action would allow a new Continental Cane Sugar Producing Area, of 25,700 acres, in the Lower Rio Grande Valley of Texas. It is intended that the acreage be committed to sugar early in 1972. Sugar production involves considerable burning of the cane to remove trash. A sugar processing plant would be part of the action. Its effluent would be discharged to an existing floodway. Total capital investment of the action is estimated at $28,800,000, including the factory, farms, and farm and transportation equipment. Comments made by EPA. (ELR Order No. 4117, 73 pages) (NTIS Order No. PB-206 263-F).

ATOMIC ENERGY COMMISSION

Contact: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545.

Final, March 27

Oconee County, S.C. Proposed issuance of an operating license to the Duke Power Co. for Oconee Nuclear Station, Unit No. 1. (The statement will also serve for future consideration of permits for Units 2 and 3.) Each unit of the Nuclear Station has a pressurized water reactor with an electrical output of 922 mw. and a waste heat generation of 1650 mw. The nuclear station is integrated into the applicant's Keowee-Toxaway Project in an arrangement that provides water for condenser cooling as well as hydroelectric power. Environmental impact of the 3-unit nuclear station includes the following: loss of 2,000 acres for the plant and exclusion area; flooding of 27,000 acres to form 2 lakes; displacement of 900 residents; conversion of 7,800 acres of farm and forest land to transmission line right-of-way; discharge of chemicals into Hartwell Reservoir; discharge of small amounts of radioactive gaseous and liquid wastes to the environment. Comments made by USDA, Army COE, DOC, EPA, HEW, HUD, DOI, DOT, State, regional and local agencies. (ELR Order No. 4045, 363 pages) (NTIS Order No. PB-204 910-F)

Final, March 29

Plant Units 1 and 2, Midland, Mich. Proposed issuance of construction and operating permits to the Consumers Power Co. The plant will have two pressurized water reactors that will generate 1,300 mw. for distribution. In addition 4,050,000 lbs./hr. of steam will be delivered to the Dow Chemical Co. for industrial use. An 880 acre cooling pond will be constructed for use by the plant; 1,100 acres will be taken, and 25 residences displaced; nonradioactive chemical wastes will be discharged to the Tittabawasse River; small quantities of radioactive gaseous and liquid wastes will be discharged to the environment; 958 acres will be taken for transmission lines. Comments made by USDA, Army COE, DOC, EPA, FPC, HEW, HUD, DOI, state and local agencies. (ELR Order No. 4072, 183 pages) (NTIS Order No. PB-205 573-F).

DEPARTMENT OF DEFENSE

Contact: Robert L. Gilliat, Office of General Counsel, Room 3E977, Department of Defense, The Pentagon, Washington, DC 20301 (202) OX 5-3272.

Draft, March 28

Exercise Exotic Dancer V, Jones, Onslow, Pender, Duplin, Craven, Carterest, and Lenoir Counties, and Croatan National Forest, N.C. The proposed exercise is a Joint Chiefs of Staff directed military maneuver, to be conducted by the Atlantic Command. It will involve air, sea, and land forces. Increases in local ambient air and water pollutant levels, and in noise, solid waste, rubbish, sewage, and garbage production will result. Arrangements have been made to minimize the possibilities of forest fires. (ELR Order No. 4037, 77 pages) (NTIS Order No. PB-207 741-D).

DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, (202) OX 5-2889.

Draft, March 15

Advanced Ballistic Reentry System (ARBES) Radioactive Sensors. The ARBES program would conduct test flights, on the Western Test Range and on the White Sands Missile Range, of reentry vehicles having radioactive sensors imbedded in the nosetip and heatshield. Flights would be launched from Vandenburg AFB, Calif., with impact on the Marshall Islands, and from Green River, Utah, with impact on the White Sands Missile Range in New Mexico. An adverse environmental effect would be the dispersion of a small amount (less than 3 Curies) of Cobalt 57 or Tantalum 182 into the upper atmosphere from material ablation. (ELR Order No. 4010, 61 pages) (NTIS Order No. PB-207 577-D).

Draft, March 22

Tyndall Air Force Base, Fla. The proposed outleasing of 150 acres of land on Tyndall AFB to Bay County. The land would be used for the construction and operation of secondary wastewater treatment plant for four municipalities and two industries. Thirty-five MGD of wastewater with an estimated BOD of 23 mg./l. will be discharged to St. Andrew Bay. The Military Pt. area will be changed from its natural state to that of a sewage lagoon; the use and production of the natural resources-forest, fish, wildlife, and recreation, will be lost. (ELR Order No. 4060, 122 pages) (NTIS Order No. PB-207 733-D).

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Colonel Barnes, Executive Director, Attention: DAEN-CWZ-C, Office of Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314 (202) 693-6346.

Draft, March 24

Red River Emergency Bank Protection, Louisiana and Arkansas. Proposed construction of emergency flood control structures at 11 sites along the Red River between the Mississippi River and Index, Arkansas. Approximately 920 acres of land will be lost to the project. (ELR Order No. 4035, 29 pages) (NTIS Order No. PB-207 725-D).

Draft, March 28

Military Ocean Terminal, Sunny Point, N.C. Proposed dredging of 3.2 million yards of material every 2 years, with occasional intermittent dredging, from basins and navigation channels. The spoil would be deposited in dike areas. Sixty-four acres of cypress swamp and 27 acres of ponds would be lost due to the action. The area provides habitat for ospreys, American alligators, and other wildlife. Marine life would also be destroyed by the dredging. (ELR Order No. 4038, 197 pages) (NTIS Order No. PB-207 726-D).

Final, March 27

San Gabriel River, Laneport, North and South Fork Lakes, Texas. Proposed construction of the above three lakes for purposes of flood control, water conservation, fish, wildlife, and recreational uses. Approximately 25,350 acres of land and 28 miles of stream will be lost to the project; habitat for white-tailed deer, small game, and birds, and the entire wild turkey population will be inundated; archeological sites, old homesteads, and numerous farms and residences will be permanently lost. Comments made by USDA, EPA, DOI, DOT, state, regional and local agencies, and concerned citizens. (ELR Order No. 4069, 349 pages) (NTIS Order No. PB-207 736-F).

DEPARTMENT OF THE NAVY

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

Final, March 21

Cross Cay Island, Caribbean Sea. Proposed relocation of Navy target facilities from Culebra, Commonwealth of Puerto Rico, to Cross Cay, an uninhabited island 2800' x 1400', 2.5 nautical miles away. Clearing of a shallow boat channel, preparation of an access runway, helicopter landing pad, and target area will be necessary. Some destruction of marine life will result. Comments made by USDA, DOC, EPA, and the Mayor of Culebra. (ELR Order No. 4051, 57 pages) (NTIS Order No. PB-206 051-F).

ENVIRONMENTAL PROTECTION AGENCY

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

Final, March 15

Lead—Deadwood Sanitary District No. 1, South Dakota. The proposed project would combine all municipal and industrial wastes from the cities of Lead and Deadwood, and Homestake Mining Co., in one interceptor pipeline, and convey the waste along the route of Whitewood Creek to a tailings—stabilization pond for treatment by detention and bacterial action. Approximately 600 acres of land will be taken by the project; the potential would exist for groundwater contamination. Comments made by USDA, Army COE, Food and Drug, HEW, HUD, DOI, State and local agencies, and concerned citizens. (ELR Order No. 4049, 121 pages) (NTIS Order No. PB-204 669-F).

FEDERAL POWER COMMISSION

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

Draft, March 23

Project 2336, Lloyd Shoals Project, Ga. Proposed approval of an application for development of 4 recreation use areas at project No. 2336, a hydroelectric station of the Georgia Power Co. Total acreage involved is 458.5, with proposed picnicking, camping, boating, fishing, and swimming facilities. (ELR Order No. 4033, 18 pages) (NTIS Order No. PB-207 678-D).

Draft, March 27

South Plainfield, N.J., and Staten Island, N.Y. Proposed construction of a gasification plant at South Plainfield and a 15-mile, 20'' pipe to terminal and storage facilities which will be constructed on Staten Island. The Tecon Gasification Co. is the applicant for the certificate of public convenience and other permits involved. Approximately 400 acres of land will be committed to the project; emission of carbon dioxide, methane, and sulfur oxide will result. (ELR Order No. 4050, 125 pages) (NTIS Order No. PB-207 720-D).

Draft, March 26

Project 120, Fresno, Madera, Tulare, Kern, and Los Angeles counties, Calif. Proposed approval of a renewal license for the Southern California Edison Co.'s Big Creek No. 3 Project 120. The project consists of a dam and spillway, a reservoir and diversion tunnel, 4 penstocks and a powerhouse with a total installed capacity of 107,100 kw. (ELR Order No. 4068, 71 pages) (NTIS Order No. PB-207 732-D).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

Draft, March 23

Welfare Island New Community, New York, N.Y. Proposed HUD certification of Welfare Island as an eligible new community according to section 712 of the Urban Growth and New Community Development Act of 1970. (ELR Order No. 4044, 32 pages) (NTIS Order No. PB-207 740-D).

Harbison New Community, Richland and Lexington Counties, S.C. Proposed HUD guarantee of a $12 million loan for development of a new community over a 20-year period. (ELR Order No. 4056, 26 pages) (NTIS Order No. PB-207 745-D).

Final, March 28

Low Rent Public Housing Project No. 5-108, New York, N.Y. Proposed construction of three 24-story residential buildings of 840 (total) units. Increase in use of public facilities and utilities will result. Comments made by USDA, Army COE, AEC, DOC, EPA, FPC, GSA, DOT, local agencies, and concerned citizens. (ELR Order No. 4062, 114 pages) (NTIS Order No. PB-205 670-F).

INTERSTATE COMMERCE COMMISSION

Contact: James Tao, Room 5107, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, (202) 783-2097.

Draft, March 10

Increased freight rates and charges, 1972. Proposed approval or disapproval of selected increase proposals for commodity groupings to replace the 2.5 percent surcharge recently allowed to become effective on a temporary basis, to be applied by the railroads in rendering service throughout the United States. The surcharge may have an adverse effect on the movement of recyclable materials. (ELR Order No. 4061, 13 pages) (NTIS Order No. PB-207 730-D).

DEPARTMENT OF INTERIOR

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

BUREAU OF RECLAMATION

Draft, March 27

Cibolo Creek, Wilson County, Tex. Proposed construction of an earthfill dam on Cibolo Creek. The reservoir would inundate 10,000 to 16,260 acres of land, displace 75 families, eliminate 24 miles of fish habitat, and necessitate the relocation of one highway, utility systems, and archeological resources. (ELR Order No. 4067, 39 pages) (NTIS Order No. PB-207 729-D).

Final, March 27

Mountain Park Project, Kiowa County, Okla. Proposed construction of a thin-arch concrete dam on Otter Creek, a diversion dam on Elk Creek, and a 10.8 mile diversion canal, with pipelines to deliver municipal and industrial water. Approximately 5 miles of stream and 9,280 acres will be inundated by the project; 35 homes, 7.5 miles of railway, 5 miles of highway and 11 miles of transmission line will have to be relocated. Comments made by USDA, DOI, State agencies and concerned citizens. (ELR Order No. 4064, 45 pages) (NTIS Order No. PB-207 728-F).

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft, March 21

Endangered Species Conservation. Proposed legislation to provide for the conservation, protection, and propagation of species and subspecies of fish and wildlife, domestic and foreign, that are threatened with extinction or likely within the foreseeable future to become threatened with extinction. (ELR Order No. 4041, 26 pages) (NTIS Order No. PB-207 731-D).

DEPARTMENT OF TRANSPORTATION

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

FEDERAL AVIATION AGENCY

Draft, March 15

Monroe and St. Clair Counties, Ill. The proposed project involves acquisition of 18,650 acres and construction of a new airport to serve the St. Louis metropolitan area. The project will result in noise pollution, air emission, short term impact related to construction, and the displacement of families, farms, businesses, and other properties. (ELR Order No. 3072, 792 pages) (NTIS Order No. PB-207 589-D-1 and PB-207 589-D-2 [2 volumes]).

Draft, March 17

Napa County Airport, Calif. Proposed land acquisition and construction of a lighted taxiway and apron. Four families will be displaced by the action. (ELR Order No. 3092, 35 pages) (NTIS Order No. PB-207 584-D).

Draft, March 22

Waseca County, Minn. Request for Federal financial assistance to lengthen, pave, light, etc. the Waseca City Airport. (ELR Order (No. 4024, 13 pages) (NTIS Order No. PB-207 674-D).

Draft, March 23

General Lyman Field, Hilo, Hawaii. Proposed Federal financial assistance to construct a new terminal and related facilities. Air quality and water tables will be affected by the action (ELR Order No. 4025, 59 pages) (NTIS Order No. PB-207 673-D).

Kokomo Airport, Howard County, Ind. Proposed land acquisition, relocation of utilities, extensive runways, lighting, etc. Noise pollution will increase accordingly. (ELR Order No. 4026, 40 pages) NTIS Order No. PB-207 672-D).

Draft, March 22

Hoven Municipal Airport, Hoven, S. Dak. Proposed land acquisition, runway extension, etc. Noise level will increase. (ELR Order No. 4028, 26 pages) (NTIS Order No. PB-207 671-D).

Grant, Perkins County, Nebr. Proposed land acquisition, construction of runway, taxiway, etc., to replace present turf field which serves seven aircraft. (ELR Order No. 4029, 31 pages) (NTIS Order No. PB-207 675-D).

Gulf Central Airport, Hancock County, Miss. Proposed request for Federal financial aid to strengthen and extend existing runway, taxiways, apron, etc. The purpose of the project is to enable the airport to handle large transport aircraft. Noise and other pollution levels will increase accordingly. (ELR Order No. 4030, 16 pages) (NTIS Order No. PB-207 676-D).

Draft, March 24

Grand Rapids, Kent County, Mich. Proposed construction of a new 3500' x 75' runway and taxi system; installation of VASI, fencing, addition to terminal, etc. (ELR Order No. 4039, 29 pages) (NTIS Order No. PB-207 723-D).

Final, March 17

Adirondack Airport, Saranac Lake, N.Y. A proposed request for Federal financial assistance to acquire land and reconstruct existing airport facilities. Eighteen acres of land will be required by the project; noise and other pollutant levels will rise accordingly. Comments made by USDA, Army COE, EPA, HUD, DOI, State and local agencies. (ELR Order No. 4006, 30 pages) (NTIS Order No. PB-207 581-F).

Final, March 28

Rockingham County Airport, Reidsville, N.C. A proposed request for Federal financial assistance to construct a general purpose airport capable of accommodating all propeller aircraft of less than 12,500 pounds (ELR Order No. 4063, 16 pages) (NTIS Order No. PB-204 259-F).

FEDERAL HIGHWAY ADMINISTRATION

Draft, March 15

Lapeer and St. Clair Counties, Mich. Proposed construction of M-21, a 40-mile long freeway. An unspecified amount of land will be lost to the project; water, air, and noise pollution will increase. (ELR Order No. 3054, 33 pages) (NTIS Order No. PB-207 559-D).

Draft, March 17

Johnson County, Kans. Proposed reconstruction of 6.5 miles of I-35. An unspecified amount of land will be lost to the project. (ELR Order No. 3055, 92 pages) (NTIS Order No. PB-207 548-D).

Duwamish River, Seattle, Wash. Proposed construction of a 5-lane bascule bridge across the 200' channel. The navigable width of the channel will be lessened by the action. (ELR Order No. 3065, 49 pages) (NTIS Order No. PB-207 546-D).

Project F-263 ( ), La Salle County, Ill. Proposed reconstruction of 12 miles of Interstate Route 23. One family will be displaced and the highway will be moved closer to existing homes. (ELR Order No. 3068, 46 pages) (NTIS Order No. PB-207 552-D).

Draft, March 16

Project S-709(1), Brevard County, Fla. Proposed reconstruction of 1.7 miles of State Route 516. A substantial amount of Indian River bottom will be filled due to the project. (ELR Order No. 3069, 115 pages) (NTIS Order No. PB-207 571-D)

Draft, March 13

Project F-120-1, Fulton County, Ga. Proposed construction of 7 miles of highway. There are several lakes in the area; an unspecified amount of land will be lost to the project. (ELR Order No. 3073, 55 pages) (NTIS Order No. PB-207 547-D).

Draft, March 15

Johnson County, Kans. Reconstruction of 12 miles of K-7, including bridge construction. A 4(f) statement will be required as some land involved in parkland. (ELR Order No. 3080, 29 pages) (NTIS Order No. PB-207 568-D).

Draft, March 16

I.S. 70N, Baltimore, Md. Proposed construction of 1 mile of 6-lane I-70N, a controlled access freeway, with one major interchange. Twelve businesses will be displaced. A 4(f) statement is required as 25 acres of parkland would be taken by the project. (ELR Order No. 4008, 52 pages) (NTIS Order No. PB-207 579-D).

Draft, March 22

Faribault County, Minn. Proposed construction of 6.3 miles of 4-lane highway, in 2 sections, involving I-90 and T.H. 169. An unspecified number of residences, businesses, and land will be lost, dependent upon which of several routes are used. (ELR Order No. 4031, 57 pages) (NTIS Order No. PB-207 679-D).

Draft, March 21

State Road 20, Washington County, Fla. Proposed construction of 11 miles of 2 lane State Route 20. An unspecified amount of timberland will be lost to the project. (ELR Order No. 4032, 64 pages) (NTIS Order No. PB-207 677-D).

Draft, March 24

Project S-1127(1) Miami County, Ind. Proposed construction of a new bridge across the Wabash River on Wayne Street in Peru, Ind. (ELR Order No. 4040, 17 pages) (NTIS Order No. PB-207 737-D).

Draft, March 22

Projects S 0642( ) and S 0455( ), Dane County, Wis. Proposed reconstruction of 2.37 miles of roadway. Siltation of Pheasant Branch Creek will result. (ELR Order No. 4042, 14 pages) (NTIS Order No. PB-207 738-D).

Draft, March 24

Project S-1152(5), Wood County, Ohio. Proposed reconstruction of 3 miles of Township Road No. 107 from 2 to 4 lanes. Four residences and 50 acres of land will be lost to the project. (ELR Order No. 4043, 15 pages) (NTIS Order No. PB-207 739-D).

Draft, March 27

Shawnee County, Kans. Proposed reconstruction of 0.208-mile of roadway. A 4(f) statement is required as a section of the right-of-way is public park land. (ELR Order No. 4046, 16 pages) (NTIS Order No. PB-207 743-D).

Draft, March 24

Jackson County, Fla. Proposed reconstruction of 1 mile of SR-71. (ELR Order No. 4047, 21 pages) (NTIS Order No. PB-207 742-D).

Richardson County, Nebr. Proposed reconstruction of 15.9 miles of U.S. 73. Six residences will be displaced by the project. (ELR Order No. 4048, 11 pages) (NTIS Order No. PB-207 744-D).

Taylor County, Fla. Proposed reconstruction of 6.1 miles of State Route 20 (U.S. 27). The number of persons displaced depends upon which of several alternate routes is used. (ELR Order No. 4052, 26 pages) (NTIS Order No. PB-207 721-D).

Final, March 9

Project I-35-4, Bell County, Tex. Reconstruction of I-35 from 4 to 6 lanes, for a total length of 3.5 miles. Two families and four businesses will be displaced by the action. Comments made by USDA, Army COE, HEW, DOT, State and local agencies. (ELR Order No. 3017, 28 pages) (NTIS Order No. PB-202 127-F).

Project I-59, Jefferson County, Ala. Proposed construction of 10.5 miles of 4-lane I-59. Approximately 173 people will be displaced by the project. Comments made by USDA, Army COE, DOC, EPA, DOI, Navy, DOT, and State agencies. (ELR Order No. 3018, 51 pages) (NTIS Order No. PB-201 (233-F).

Project APD-200(24), Mercer County, W. Va. Proposed construction of 2.79 miles of 4-lane divided highway. Thirty-three residences and one business will be displaced by the highway; there is expressed concern that water runoff will effect groundwater quality. Comments made by USDA, Army COE, DOC, EPA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 3019, 159 pages) (NTIS Order No. PB-201 705-F).

Bryan Drive, Harry County, S.C. Proposed reconstruction of Bryan Drive for a total length of 7.9 miles. Noise, air, and dust pollution will occur, with erosion and siltation possible. Comments made by Army COE, and HUD. (ELR Order No. 3020, 18 pages) (NTIS Order No. PB-207 462-F).

Final, March 13

Project F-057-1(3), Cherokee County, Ga. Proposed construction of 3 miles of the Canton By-Pass. The highway passes through an area with numerous minor streams and tributaries. Comments made by Army COE, DOC, DOI, and DOT. (ELR Order No. 3043, 51 pages) (NTIS Order No. PB-202 918-F).

Project F-031-1(13), Polk County, Fla. Proposed reconstruction of State Route 700 (U.S. 98) for a total project length of 5.6 miles. An unspecified number of displacements will occur, depending upon which of several alternate routes are taken. Comments made by USDA, Army COE, EPA, DOI, and State and local agencies. (ELR Order No. 3044, 53 pages) (NTIS Order No. PB-202 304-F).

S.H. 99, Osage County, Okla. Proposed relocation of S.H. 99 for a total length of 9.6 miles. Approximately 200 acres of land will be lost to the project. Comments made by EPA and DOI. (ELR Order No. 3045, 20 pages) (NTIS Order No. PB-199 619-F).

Route 6, Wallingford, Conn. Proposed reconstruction of Route 68, for a total length approximately 1.4 miles. Fourteen families will be displaced by the action. Comments made by USDA, Army COE, DOC, EPA, FPC, HUD, DOI, State and local agencies. (ELR Order No. 3046, 50 pages) (NTIS Order No. PB-200 026-F).

Final, March 17

Kenai River Crossing, Kenai, Alaska. Proposed construction of 3 miles of 4 lane highway on the Kenai Peninsula. The road will cross a tideland area which is used as a nesting area by migratory waterfowl. Measures have been proposed to protect the nesting of the snow goose. Comments made by USDA, HUD, DOI, DOT, State and local agencies. (ELR Order No. 3076, 132 pages) (NTIS Order No. PB-207 556-F).

Final, March 22

Project S-1086(1), Grant County, Ind. Proposed construction of a bridge and two 600' approaches. A 4(f) statement is necessary as a local park would be infringed upon. Comments made by USDA, EPA, HUD, and DOI. (ELR Order No. 4057, 36 pages) (NTIS Order No. PB-201 235-F).

Final, March 21

Project I-75-7(42)448, Pinellas County, Fla. Proposed construction of 24.3 miles of I-75. Approximately 84 families will be displaced by the action; 2204 acres will be lost to the project. A 4(f) statement is required as public use land will be taken by the project. Comments made by USDA, Army COE, EPA, HUD, DOT, State, and local agencies, and concerned citizens. (ELR Order No. 4059, 521 pages) (NTIS Order No. PB-204 462-F).

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft, March 17

Manhattan, N.Y. An application by the city of New York for Federal financial assistance in constructing the Second Avenue Subway. The grant would cover two-thirds of the $381 million project. (ELR Order No. 3079, 55 pages) (NTIS Order No. PB-207 569-D).

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-5387 Filed 4-7-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19213, 19214; FCC 72R-91]

LAKE ERIE BROADCASTING CO., AND LORAIN COMMUNITY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lake Erie Broadcasting Co., Lorain, Ohio, Docket No. 19213, File No. BPH-6969; Lorain Community Broadcasting Co., Lorain, Ohio, Docket No. 19214, File No. BPH-7044; for construction permits.

1. This proceeding involves the mutually exclusive applications of Lake Erie Broadcasting Co. (Lake Erie) and Lorain Community Broadcasting Co. (Lorain) for a new FM broadcast station in Lorain, Ohio. By Order, FCC 71-408, 36 F.R. 7994, published April 28, 1971, the Commission designated the two applications for hearing on various issues.[1] Before the Review Board is a motion to enlarge issues, filed February 3, 1972, by Lorain,[2] requesting the addition of § 1.65, misrepresentation, duopoly, and abuse of process issues against Lake Erie.

2. In its petition, Lorain alleges that Lake Erie failed to timely report its principals' interest in certain franchised and operating CATV systems and a newspaper, all located in substantially the same area as contemplated by Lake Erie's application for the FM broadcast station.[3] Specifically, Lorain charges that Lake Erie has failed to timely report the following information: (1) That Robert E. Stroupe, a Lake Erie principal, is a vice-president, shareholder, and former General Manager of North Central Television, Inc., a company which is presently operating CATV systems in seven Ohio towns located within 25 miles of Lorain, Ohio; (2) that Stroupe is President and shareholder in "Northern Ohio Weekly Scene," a weekly newspaper distributed throughout the area; and (3) that a partnership was formed among eight Lake Erie principals and this partnership was granted a CATV franchise for the township of Sheffield, Ohio, which is within the Greater Lorain area. Lorain states that the information concerning Stroupe's CATV and newspaper interests were obtained by independent investigation. Petitioner argues that all this information should have been timely reported to the Commission and the failure to do so requires addition of the requested issues. In support thereof, Lorain relies on "the Commission's longstanding policy in comparative broadcast hearings which requires consideration of diversification of control of the media of mass communications," and cites the "Policy Statement on Comparative Broadcast Hearings," 1 FCC 2d 393, 5 RR 2d 1901 (1965). Furthermore, argues petitioner, the Board has previously held that it is appropriate to consider cross-ownership of CATV and the other communications media. "Lorain Community Broadcasting Company," 13 FCC 2d 106, 13 RR 2d 382 (1968); reconsideration denied 14 FCC 2d 604, 14 RR 2d 155 (1968); review denied 18 FCC 2d 686, 16 RR 2d 946 (1969), affirmed "sub nom. Allied Broadcasting, Inc. v. FCC," 140 U.S. App. D.C. 264, 435 F2d 68 (1970). Lorain then notes the Commission's prohibition of cross-ownership of television broadcast stations and CATV systems (Commission § 74.1131), and argues that the present situation created by the newspaper and CATV interests of Lake Erie's principals present the same potential dangers to the necessary diversification criteria.

3. Lake Erie, in its opposition, explains that on January 28, 1972, it submitted supplemental hearing exhibits which indicated that eight of its nine principals had formed a limited partnership and obtained a CATV franchise for the township of Sheffield, Ohio. Then, on February 18, 1972, Lake Erie points out, it filed a motion to amend which more fully stated the facts surrounding the partnership, disclosed that no effort was made to actually construct the CATV system, and, upon realizing the cost involved, the partnership relinquished its franchise. Lake Erie thus urges that there was no need to amend earlier because, first, there was full, voluntary disclosure, and, second, there was no intent or attempt to begin actual construction. Lake Erie therefore contends that "possession of a bare franchise was not of decisional significance" and need not be reported. As for the interests of Robert E. Stroupe in North Central Television, Inc., Lake Erie notes that, while Stroupe is currently Vice-President and on the Board of Directors for North Central, he is only a 6 percent shareholder and only a 1.7 percent shareholder in Lake Erie. Lake Erie also notes that its original application made reference to the fact that Stroupe had an interest in a CATV operation known as "Central Television." Furthermore, argues Lake Erie, all of the communities served by the CATC system are outside the service area for the proposed FM station in Lorain. As for Stroupe's interest in the "Northern Ohio Weekly Scene," Lake Erie contends that the format is that of a magazine and is primarily a television and cable TV guide; further, while the magazine carries news items and advertising, it has no editorials. Also, notes Lake Erie, Exhibit No. 11 of its Hearing Exhibits, exchanged October 13, 1971, indicates that Robert E.

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[1] The application of Vocom Industries, Inc., which was consolidated for hearing with the above applications, was dismissed by Order of the Hearing Examiner, FCC 71M-1771, released November 9, 1971.

[2] Other pleadings before the Board are: (a) Opposition, filed March 1, 1972, by Lake Erie; (b) Broadcast Bureau's comments, filed March 1, 1972; and (c) reply, filed March 8, 1972, by Lorain.

[3] As to the timeliness of Lorain's petition, because of the substantive public interest questions raised therein, the Board will consider the merits of the petition. The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).

Stroupe is "publisher of Weekly Television Guide." Therefore, argues Lake Erie, no purpose would be served by adding any of the requested issues because all pertinent information is before the Commission and parties, no prejudice or disruption has resulted from not filing earlier, and the relevant cross-ownership is insufficient to raise an issue.

4. The Broadcast Bureau, in its comments, expresses the opinion that the facts show a substantial amount of information required by FCC Form 301, Table II, section II, "Business and Financial Interests," which has not been disclosed by Lake Erie following the filing of its application and in conformity with § 1.65 of the Commission's rules. The Bureau notes that the Commission must be able to rely on complete and up-to-date information, and urges that a § 1.65 issue should be added. Further, the Bureau contends that if an adequate response is not made by Lake Erie, a concealment and misrepresentation issue would also appear warranted. Lorain, in its reply, argues that Lake Erie's effort to minimize the significance of Robert E. Stroupe is rebutted by Lake Erie's statement that Stroupe, in addition to being a minor shareholder, will also devote 50 percent of his time to the proposed station. Petitioner also contends that the relinquishment of the CATV franchise by the Lake Erie principals on the eve of the hearing in the present proceeding indicates an effort to improve its comparative position. Overall, Lorain contends that Lake Erie has failed to explain why it did not promptly and fully disclose the pertinent information and that such information is of sufficient significance to require addition of the requested issues.

5. The Review Board is of the view that Lake Erie's failure to timely report its principals' interests in franchised and operating CATV systems and a newspaper requires the addition of a § 1.65 issue. § 1.65 requires disclosure when the information furnished in an application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred. Here, eight of Lake Erie's principals were granted a CATV franchise for Sheffield Township, Ohio, on November 10, 1970. Yet, Lake Erie made no mention of this to the Commission or the other applicants until it submitted supplemental exhibit materials on January 28, 1972. Then, on February 18, 1972, Lake Erie submitted a motion for leave to amend which more fully explained its principals' interests therein and also contained a copy of a letter, dated February 17, 1972, which notified the granting authority that the CATV franchise was relinquished. Lake Erie contends that it was justified in waiting over 14 months to disclose its principals' 98.4 percent stockholdings in a CATV franchise because a "bare franchise is not of decisional significance." The Board finds this contention totally without merit. In "Lorain," supra, the Board held that a cable franchise is analogous to a construction permit from the Commission, rather than a broadcast application, and it is established that construction permits are considered under the diversification policy. 13 FCC 2d at 113, 13 RR 2d at 392. The CATV franchise held by the Lake Erie principals clearly represented an interest in an existing media of mass communication and should have been reported. See "Media, Inc.", 22 FCC 2d 875, 18 RR 2d 1175 (1970). As for Stroupe's interest in the operating CATV system, Lake Erie's argument that his interests are too small to be of importance is incorrect. As stated in the "Policy Statement on Comparative Broadcast Hearings, supra," 1 FCC 2d at 394, 5 RR 2d at 1908, "we will consider both common control and less than controlling interests in other broadcast stations and other media of mass communications." This statement applies equally to Stroupe's interest in the newspaper. The failure of Lake Erie to report such interests in the present case requires addition of the requested § 1.65 issue.[4] The Board does not, however, believe that the requested misrepresentation issues are warranted. The full circumstances surrounding the failure to amend, including the question of intent, may be explored under the § 1.65 issue. Nor does the Board believe that sufficient allegations have been made to warrant the addition of an abuse of processes issue or any disqualifying cross-interest or duopoly issue. The extent of ownership of Lake Erie's principals in other media of mass communications may be considered under the diversification criterion of the standard comparative issue. The § 1.65 issue is sufficient to thoroughly explore all the matters raised by petitioner's allegations.

6. *Accordingly, it is ordered,* That the petition for enlargement of issues, filed February 3, 1972, by Lorain Community Broadcasting Company, is granted to the extent indicated below, and is denied in all other respects; and

7. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue:

To determine whether Lake Erie Broadcasting Co. has failed to comply with the provisions of §§ 1.514 and/or 1.65 of the Commission's rules; and, if so, to determine the effect of such noncompliance on the applicant's basic or comparative qualifications to be a Commission licensee; and

8. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Lorain Community Broadcasting Co. and the burden of proof under the issue shall be on Lake Erie Broadcasting Co.

Adopted: March 31, 1972.

Released: April 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5412 Filed 4-7-72;8:47 am]

[4] Since Stroupe's interests appear to have existed prior to the filing of Lake Erie's application the issues specified will encompass possible violation of § 1.514, as well as § 1.65.

[5] Board member Pincock absent.

FEDERAL POWER COMMISSION

[Docket No. G-4954, etc.]

J. D. BURKE, ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

MARCH 29, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4954 E 2-22-72	J. D. Burke (successor to Sun Oil Co. (Operator), et al.), Post Office Box 1336, Corpus Christi, TX 78403.	United Gas Pipe Line Co., Marshall Field, Goliad County, Tex.	18.34575	14.65
G-7638 D 3-9-72	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Coastal States Gas Producing Co., East Mathis Field, San Patricio County, Tex.	Assigned	
G-12324 and G-12325. E 3-1-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Panhandle Eastern Pipe Line Co., Greenwood Field, Morton County, Kans.	[1] 17.71	14.65
G-14783 E 3-1-72	do	Northern Natural Gas Co., Sonora Field, Sutton County, Tex.	[2] 15.40	14.65
G-17378 D 3-2-72	Texaco, Inc., Post Office Box 3109, Midland, TX 79701.	Transwestern Pipeline Co., Hansford Field, Hansford County, Tex.	(3)	
CI61-1461 E 3-3-72	Odessa Natural Corp. (successor to El Paso Products Co. (Operator), et al.), Post Office Box 3986, Odessa, TX 79760.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., acreage in Sweetwater County, Wyo.	[4] 16.0	14.65
CI62-1018 D 3-3-72	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	(5)	
CI63-234 D 3-9-72	Mobil Oil Corp. (Operator), et al., Post Office Box 1774, Houston, TX 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer, Le Flore, et al. Counties, Okla.	(6)	
CI63-349 D 3-3-72	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Kismet South Field, Seward County, Kans.	(5)	
CI63-383 D 3-2-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	(7)	
CI63-1035 E 2-22-72	Lynco Oil Corp. (successor to Mountain States Natural Gas Corp.), 1401 East Louisiana Ave., Denver, CO 80222.	El Paso Natural Gas Co., Tapacito Field, South Blanco-Picture Cliff, Rio Arriba, N. Mex.	13.0	15.025
CI69-937 D 3-10-72 [8]	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Cameron Block 17 Field, Offshore Louisiana.	(5)	
CI69-1099 D 3-2-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001 (partial abandonment).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle Blocks 33 and 34, Offshore Louisiana.	(9)	
CI72-233 10-15-71	Wm. H. Chamberlain, d.b.a., Saturn Oil & Gas Co., et al., Post Office Box 166, Cheyenne, WY 82001.	Panhandle Eastern Pipe Line Co., Hugoton (Peters) Field, Seward County, Kans.	[10] 12.5	14.65
CI72-461 (G-6352) F 1-24-72	Duer Wagner & Co. (successor to Continental Oil Co., et al.), 909 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County Tex.	[11] 18.3	14.65
CI72-497 (G-3894) F 2-7-72	Duer Wagner & Co. (successor to Atlantic Richfield Co.), 909 Fort Worth National Bank Bldg., Forth Worth, Tex. 76102.	do	[12] 18.3	14.65
CI72-529 B 3-1-72	Shell Oil Co., Post Office Box 2463, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak County, Tex.	(13)	
CI72-532 A 3-2-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Texas Eastern Transmission Corp., Vermilion Block 265 Field, Offshore Louisiana.	[14] 30.0	15.025
CI72-533 (G-4773) F 2-22-72	R. C. Hagans (successor to Amerada Hess Corp.), Post Office Box 1336, Corpus Christi, TX 78403.	Texas Eastern Transmission Corp., Dial Field, Goliad County, Tex.	14.9384	14.65
CI72-534 (G-11762) F 2-29-72	Glen E. Jeffery (successor to Sun Oil Co.), Box 677, Meade, KS 67864.	Northern Natural Gas Co., Harper Field, Clark County, Kans.	[15] 17.0	14.65
CI72-535 (CI62-208) F 2-29-72	Glen E. Jeffery (successor to Falcon Seaboard Drilling Co. et al.), Box 677, Meade, KS 67864.	do	[15] 17.0	14.65
CI72-536 (CI62-125) F 2-29-72	Glen E. Jeffery (successor to Sun Oil Co.), Box 677, Meade, KS 67864.	do	[15] 17.0	14.65
CI72-537 (G-12309) F 2-29-72	Glen E. Jeffery (successor to Ashland Oil Inc.), Box 677, Meade, KS 67864.	do	[15] 17.0	14.65
CI72-538 (CI62-531) F 2-29-72	Glen E. Jeffery (successor to Atlantic Richfield Co.), Box 677, Meade, KS 67864.	do	[15] 17.0	14.65
CI72-539 (CI61-1329) F 2-29-72	Glen E. Jeffery (successor to J. M. Huber), Box 677, Meade, KS 67864.	do	[15] 17.0	14.65
CI72-540 B 3-2-72	Ashland Oil, Inc. (Operator) et al., Post Office Box 1503, Houston, TX 77001.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Northwest Eva Field, Texas County Okla.	Depleted	
CI72-541 B 3-2-72	do	Natural Gas Pipeline Co., of America, Southeast Mutual Field, Woodward County, Okla.	Depleted	
CI72-542 A 3-3-72	Hassie Hunt Trust, 1401 Elm St., Dallas, TX 75202.	Michigan Wisconsin Pipe Line Co., Block 171, West Cameron Area, Offshore Louisiana.	[15] 32.0	15.025
CI72-543 A 3-3-72	Hunt Petroleum Corp., 1401 Elm St., Dallas, TX 75202.	do	[15] 32.0	15.025
CI72-544 A 3-6-72	Union Oil Co., of California, Post Office Box 7600, Los Angeles, Ca 90051.	Southern Natural Gas Co., S.L. 1272, Block 52, Main Pass Area, Plaquemines Parish, LA.	[16] 35.833	15.025
CI72-545 A 3-6-72	George Mitchell & Associates, Inc., 3900 1 Shell Plaza, Houston, TX 77002.	Trunkline Gas Co., Sal Del Rey Field Area, Hidalgo County, Tex.	[15] 24.0	14.65
CI72-546 3-3-72 [17]	Colorado Oil & Gas Corp., Box 749, Denver, CO 80201.	United Gas Pipe Line Co., Gottschalt Field, Goliad County, Tex.	18.3458	14.65
CI72-547 (G-17260) F 3-6-72	Cabot Corp. (SW) (successor to Monsanto Co.), Post Office Box 1101, Pampa, TX 79065.	Michigan Wisconsin Pipe Line Co., Otto No. 1 Gas Unit, Laverne Area, Beaver County, Okla.	[18] 18.5	14.65
CI72-548 (CI60-328) F 3-6-72	Cabot Corp. (SW) (successor to The Superior Oil Co., Post Office Box 1101, Pampa, TX 79065.	El Paso Natural Gas Co., Otto No. 1 Gas Unit, Laverne Area, Beaver County, Okla.	[19] 18.5	14.65
CI72-549 (G-13299) F 3-6-72	Cabot Corp. (SW) (successor to Atlantic Richfield Co. (Operator) et al.), Post Office Box 1101, Pampa, TX 79065.	Michigan Wisconsin Pipe Line Co., Otto No. 1 Gas Unit, Laverne Area, Beaver County, Okla.	[20] 18.5	14.65
CI72-551 A 3-6-72	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Columbia Gas Transmission Corp., Block 292 Field, Eugene Island, Offshore Louisiana.	[15] 35.0	15.025
CI72-553 A 3-7-72	Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., East Hobart Ranch and Buffalo Wallow Areas, Hemphill County, Tex.	[21] 26.0	14.65
CI72-554 A 3-7-72	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co. Deep Lake Field, Cameron Parish, La.	[22] 26.0	15.025
CI72-555 A 3-7-72	Texas Pacific Oil Co., Inc., 1700 1 Main Place, Dallas, TX 75250.	Panhandle Eastern Pipe Line Co., Reydon Area, Roger Mills County, Okla., and Hemphill County, Tex.	[15] 30.0	14.65
CI72-556 A 3-7-72	do	Kansas-Nebraska Natural Gas Co., Inc., Reydon Area, Roger Mills County, Okla., and Hemphill County, Tex.	[15] 30.0	14.65
CI72-561 B 3-6-72	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Cities Service Oil Co., Robstown Plant, Nueces County, Tex.	Depleted	
CI72-562 A 3-9-72	Oklahoma Natural Gas Co., 510 Oklahoma Natural Bldg., Tulsa, Okla. 74119.	Northern Natural Gas Co., North Follett Field, Lipscomb County, Tex.	[23] 26.5	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72-563..... B 3-10-72	Amoco Production Co., Post Office Box 3092, Houston, TX 77001.	Texas Eastern Transmission Corp., Fort Lynn Field, Miller County, Ark.	Depleted	

[1] Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI70-1543.
[2] Plus 0.90 cent per Mcf B.t.u. adjustment. Rate in effect subject to refund in Docket No. G-14783.
[3] Acreage is nonproductive.
[4] Rate in effect subject to refund in Docket No. RI64-194.
[5] Expiration of leases.
[6] Leases have expired or have been canceled.
[7] Leases have been assigned or canceled.
[8] Amendment to pending application.
[9] Acreage is nonproductive and leases have been terminated.
[10] Application previously noticed Nov. 10, 1971, in G-9224 et al., at a rate of 12 cents per Mcf. By letter filed Oct. 15, 1971, Applicant amended its application to reflect a rate of 12.5 cents per Mcf.
[11] Application previously noticed Feb. 8, 1972, in G-2629 et al., and Feb. 15, 1972 in G-5766 et al., at a rate of 19 cents per Mcf. By letter filed Mar. 1, 1972, Applicant amended its application to reflect a rate of 18.3 cents per Mcf, plus 0.0458 cent per Mcf tax reimbursement.
[12] Application previously noticed Feb. 23, 1972, in G-2629 et al., at a rate of 19 cents per Mcf. By letter filed Mar. 6, 1972, applicant amended its application to reflect a rate of 18.3 cents per Mcf, plus 0.0458 cent per Mcf tax reimbursement.
[13] Limited-commitment, contract terminates on Apr. 1, 1972.
[14] Applicant is willing to accept a permanent certificate pursuant to Opinion No. 598.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Casinghead gas. Subject to upward and downward B.t.u. adjustment.
[17] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-7373 to be made pursuant to Goldston Oil Corp., FPC Gas Rate Schedule No. 1.
[18] Plus 0.94 cent per Mcf upward B.t.u. adjustment and 0.29 cent per Mcf tax reimbursement pursuant to Order No. 433; however, the contract price is 22 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[19] Plus 0.2775 cent per Mcf tax reimbursement, pursuant to Order No. 433; however, the contract price is 25 cents per Mcf.
[20] Plus 2.22 cents per Mcf upward B.t.u. adjustment and 0.3108 cent per Mcf tax reimbursement, pursuant to Order No. 433; however, the contract price is 22.015 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[21] Subject to undetermined quality adjustments. Subject to upward and downward B.t.u. adjustment.
[22] Applicant is willing to accept an initial certificate at 26 cents per Mcf; however, the contract price is 32 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[23] Includes 5.671 cents per Mcf upward B.t.u. adjustment.

[FR Doc.72-5172 Filed 4-7-72;8:45 am]

[Docket No. RI72-198 etc.]

ODESSA NATURAL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 31, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-198....	Odessa Natural Corp.....	4	11	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	$1,560	3- 3-72	.....	5- 4-72	16.0	17.0	RI64-194.
	.....do.....	2	6	El Paso Natural Gas Co. (Dakota Basin, San Juan County, N. Mex.) (San Juan Basin).	10,800	3- 6-72	.....	5- 7-72	[1] [6] 14.0536	[1] [6] 15.0557	RI64-460.
RI72-199....	Texas Pacific Oil Co., Inc.	65	6	El Paso Natural Gas Co. (Halley (Devonian) Field, Winkley County, Tex.) (Permian Basin).	27,466	3- 6-72	.....	5- 7-72	16.2760	19.3278	
RI72-200....	Chevron Oil Co.....	7	7	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex., San Juan Basin).	9,887	[2] 3- 6-72	.....	5- 7-72	[6] 14.2678	[6] 21.33	RI69-505.
	.....do.....	8	5	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County) (N. Mex., San Juan Basin.)	964	[2] 3- 6-72	.....	5- 7-72	[6] 13.2988	[6] 21.33	RI69-505.
RI72-201....	CRA, Inc.....	49	25	Northern Natural Gas Co. (Mertzon Plant, Irion County, Tex.) (Permian Basin).	480	3-13-72	.....	5-14-72	[3] 16.6571	[3] 17.0038	
					5,290	3-13-72	.....	5-14-72	[4] [6] 16.5	[4] [6] 17.5656	
						3-13-72	.....	5-14-72	[4] [6] 16.5	[4] [6] 17.5656	
RI72-202....	Gulf Oil Corp.....	57	11	El Paso Natural Gas Co. (Big Piney Field, Sublette County, Wyo.).	6,740	3-20-72	.....	5-21-72	[6] 17.225	[6] 18-270	RI70-1589.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Includes 1 cent per Mcf minimum guarantee for liquids.
[2] Revised by filing of Mar. 16, 1972.
[3] For acreage dedicated under basic contract.
[4] For acreage added by Supplements Nos. 4, 5, and 6.
[5] For acreage added by Supplement No. 7.
[6] The pressure base is 15.025 p.s.i.a.

The proposed increases of Chevron Oil Co. for sales to El Paso in San Juan Basin are based on favored-nation clauses which were allegedly atcivated by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71–744 on August 1, 1971. El Paso Natural Gas Co. is expected to protest these favored nation increases, as they have previous filings, on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearing herein shall concern itself with the contractual basis for these favored-nation filings as well as the justness and reasonableness of the proposed increased rates. The proposed increases to 21.33 cents per Mcf do not exceed the corresponding rate filing limitation imposed in southern Louisiana and are suspended for 1 day since Chevron Oil Co. has waived its right to file for additional increases for a period of 1 year from the date such increases were filed except in the event that the Commission determines a higher area rate level for these sales or the buyer and seller agree by negotiation to higher rates.

The proposed increase of Gulf Oil Corp. includes a double amount of the contractually due reimbursement for taxes applicable to future production as well as reimbursement for taxes applicable to past production, back to January 1, 1968. After tax reimbursement applicable to past production has been recovered, Gulf shall file a rate decrease reducing the proposed rate so as to provide for tax reimbursement for future production only. Consistent with prior Commission action on increases reflecting reimbursement of the Wyoming severance tax, Gulf's proposed increase is suspended for 1 day from the proposed effective date.

CRA, Inc. requests effective dates earlier than those permitted herein. Good cause has not been shown for granting such request, and it is denied.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61–1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act [15 U.S.C. 717c(d)] in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72–5336 Filed 4–7–72;8:45 am]

[Docket No. RI72–197]

SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 31, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72–197	Skelly Oil Co	49	5	Kansas-Nebraska Natural Gas Co., Inc. (Big Springs Field, Deuel County, Nebr.).	$6,146	3–2–72	----------	5–3–72	13.5	1 21.956	

*The pressure base is 16.4 p.s.i.a.

1 Unilateral increase-contract expired 11–1–71.

The proposed unilateral increase from 13.5 cents to 21.956 cents per Mcf filed by Skelly Oil Co. is for a sale of gas to Kansas-Nebraska Natural Gas Co., Inc., in Deuel County, Nebr. The Commission has not prescribed increased rate ceiling for sales from Nebraska but has applied the 13.0 cents per Mcf at 15.025 p.s.i.a. (14.19 cents at 16.4 p.s.i.a.) increased rate ceiling of adjacent Colorado as a guide in determining whether to suspend proposed increase in Nebraska. Skelly's increase exceeds the Colorado increased rate ceiling but does not exceed the corresponding rate filing limitation imposed in southern Louisiana and therefore it is suspended herein for 1 day.

CERTIFICATE OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61–1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under

section 4(d) of the Natural Gas Act [15 U.S.C. 717c(d)] in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-5335 Filed 4-7-72;8:45 am]

[Project 2030]

PORTLAND GENERAL ELECTRIC CO.

Notice of Availability of Environment Statement for Inspection

APRIL 6, 1972.

Notice is hereby given that on April 7, 1972, as required by § 2.81(b) of Commission Regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a final environmental 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.

The Final Environmental Impact Statement is enclosed as an attachment to the Federal Power Commission's Order Amending License and Approving Exhibit S Filing for Project No. 2030, the Pelton Project, Oreg., dated April 4, 1972. The Exhibit S filing includes construction, maintenance and operation of fish hatchery facilities at the Round Butte Development of the Pelton Project. Facilities will be used to maintain runs of steelhead trout and chinook salmon in the Deschutes River.

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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5529 Filed 4-7-72;9:40 am]

FEDERAL RESERVE SYSTEM

VALLEY BANCORPORATION

Order Approving Acquisition of Bank

Valley Bancorporation, Appleton, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 80 percent or more of the voting shares of Bank of Casco, Casco, Wis. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the eighth largest banking organization in Wisconsin, controls 11 banks with aggregate deposits of approximately $148 million, representing 1.4 percent of the total commercial bank deposits in the State.[1] Upon acquisition of Bank ($7.1 million in deposits), applicant's position in relation to the other banking organizations in the State would remain unchanged and applicant's share of deposits in the State would be increased by only 0.1 percentage point.

Bank's sole office is located in the village of Casco, in Kewaunee County, where it competes with six other banks in a market approximated by the northern three-fourths of Kewaunee County and the southern 6 miles of Door County. Bank ranks fourth in deposit size among the banks competing in this market, holding 14.4 percent of total deposits in that market. Applicant's closest subsidiary, Badger State Bank, located in Denmark, Brown County, is approximately 27 road miles southwest of Bank. There is no existing competition between Bank and this subsidiary or any of applicant's other subsidiaries. Moreover, in view of the low population density of the area and Wisconsin's restrictive branch banking statutes, the possibility of such competition arising in the future appears remote. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have a significantly adverse effect on competition in any relevant area. Nor is consummation likely to have any significant adverse effects on Bank's competitors.

There is no evidence that significant banking needs of the community are going unserved; however, consummation of this acquisition would allow Bank to improve the quality and expand the number of services Bank currently offers to the community. Affiliation with applicant would increase the lending capability of Bank through participation arrangements with applicant's present subsidiary banks, and enable Bank to initiate trust services as well as to improve and expand its consumer lending capabilities. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval.

Considerations relating to financial and managerial resources and prospects as they relate to applicant, its subsidiaries and Bank, are regarded as satisfactory, except that Bank has not provided for adequate successor management. Applicant's capabilities for finding competent and experienced officers for Bank as needed lend some weight in favor of approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] April 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5425 Filed 4-7-72;8:47 am]

[1] All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Burns and Governors Maisel and Sheehan.

GENERAL SERVICES ADMINISTRATION

RETRO-REFLECTIVE BEADS AND REFLECTORIZED TRAFFIC PAINT FOR AIRFIELD RUNWAY MARKING

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with the following Federal specifications:

TT-B-1325A—Beads (Glass Spheres); Retro-Reflective.
TT-P-85D—Paint, Traffic: Reflectorized for Airfield Runway Marking (Drop-on-Type).

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specifications to the end that: (1) Mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) the quality of the products shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters, and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on April 26, 1972, at 10 a.m., Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, VA. Anyone who wants to attend or desires further information should contact Mr. W. S. van Byken, General Services Administration, Federal Supply Service, Office of Standards and Quality Control, Washington, D.C. 20406, telephone No. (Area Code 703) 557-7879.

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

M. S. MEEKER,
Commissioner.

[FR Doc.72-5395 Filed 4-7-72;8:46 am]

[Federal Property Management Regs.; Temporary Reg. F-144]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utility Commissioners in a proceeding involving telecommunications rates of the New Jersey Bell Telephone Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 3, 1972.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[FR Doc.72-5394 Filed 4-7-72;8:46 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC File No. 0933]

URBAN RENEWAL

Requirements for Proposals

At its meeting on April 6, 1972, the National Capital Planning Commission adopted the following requirements for urban renewal proposals pursuant to the District of Columbia Redevelopment Act of 1945, as amended.

SECTION 1. *Introduction.* Section 6(b) of the District of Columbia Redevelopment Act of 1945, as amended (hereinafter referred to as the "Act"), provides for adoption by the Commission and approval by the District of Columbia Council of boundaries and urban renewal plans for urban renewal areas in the District of Columbia.' Section 12 of the Act provides that modifications of such plans may be effected only through adoption by the Commission and approval by the District of Columbia Council.

The following material, form and procedural requirements are prerequisites to Commission consideration of:

1. Urban renewal area boundaries and modifications thereof, and

2. Urban renewal plans and modifications thereof.

They are intended to insure an adequate and complete review and evaluation of all urban renewal proposals pursuant to the Act, the National Environmental Policy Act of 1969, and other applicable laws and regulations.

The requirements regarding the scheduling of Commission consideration are intended to insure an adequate opportunity for interagency coordination and for review and comment by interested and affected organizations and individuals.

The requirements are also intended to guide the staff of the Commission, the District of Columbia Government, the District of Columbia Redevelopment Land Agency (hereinafter referred to as the "Agency"), and other groups and organizations, including redevelopers, making urban renewal proposals to the Commission. Such agencies and organizations are urged to contact the Commission staff at the earliest possible time for consultation prior to making such proposals.

Boundaries and urban renewal plans for urban renewal areas and modifications thereof shall be scheduled for Commission consideration only if all of the following requirements are met in accordance with the established monthly deadlines for the submission of plans. Adherence to such deadlines is essential to permit necessary referrals, interagency coordination, and staff review.

Except with respect to an urban renewal proposal made by a governmental agency, a group or organization receiving financial assistance from a governmental agency, or a redeveloper or other commercial enterprise, the Executive Director of the Commission may modify or waive any requirement where the application of such requirement would preclude the consideration of an urban renewal proposal which the Executive Director determines, by virtue of its compatibility with the objectives of an approved urban renewal plan or with the Comprehensive Plan for the National Capital, to be of sufficient merit for Commission consideration. In such cases, the Executive Director may request the Agency to prepare and submit such materials as are required and not otherwise submitted.

SEC. 2. *Materials required*—A. *Action items.* The following materials are required for Commission consideration of urban renewal proposals for adoption pursuant to the Act:

(1) *Boundaries and modifications thereof.* A map showing the proposed boundaries of the urban renewal area or proposed modifications to the boundaries of an approved urban renewal area.

(2) *Urban renewal plans and modifications thereof.* Proposed text and/or map(s) of urban renewal plans or modifications to an approved urban renewal plan. The proposed text of an urban renewal plan, or of a modification to an approved urban renewal plan which includes a change in urban renewal area boundaries, shall include a metes and bounds description of the boundaries or change in boundaries.

B. *Supporting documentation.* The following materials in support of the action items described above shall be presented to the Commission and placed in the record:

(1) *Eligibility report—urban renewal area.* A statement of the eligibility of the proposed urban renewal area, or of the proposed modified urban renewal area, under the Act.

(2) *Eligibility report—action areas.* A statement of the eligibility of each action area in the proposed annual neighborhood development program for a proposed urban renewal plan or modification(s) to an approved urban renewal plan, pursuant to title I of the Housing Act of 1949, as amended.

(3) *Relocation report.* A description of the estimated residential and nonresidential displacement that will be caused by an urban renewal proposal and a statement of available relocation resources to accommodate project displacement.

(4) *Rehabilitation report.* A statement of the feasibility of each rehabilitation area in the proposed annual neighborhood development program for a proposed urban renewal plan or modification(s) to an approved urban renewal plan, pursuant to title I of the Housing Act of 1949, as amended.

(5) *Environmental impact.* A Description of Environmental Impact of the urban renewal proposal prepared pursuant to the Commission's Policies and Procedures for the Protection and Enhancement of Environmental Quality in the National Capital Region.

(6) *Citizen participation report.* A statement of the steps taken to insure citizen participation and community review of the urban renewal proposal and statements from affected community groups indicating their position relative to the proposal.

C. *Background data and information.* The following materials are required to enable a complete review and evaluation of an urban renewal proposal by the Commission:

(1) *Narrative description.* A narrative description and justification of the urban renewal proposal.

(2) *Data sheet.* A data sheet indicating, where applicable, each of the following:

(a) The lot and square numbers of all properties proposed for acquisition, disposition, or rehabilitation.

(b) The area in square feet or acres of each disposition lot or rehabilitation area.

(c) The number, size, density, and type of housing units to be developed on each disposition lot and the number, size, density, and type of housing units

to be rehabilitated in each rehabilitation area.

(d) The floor area and type of new commercial space or other nonresidential uses to be developed on each disposition lot.

(3) *Status report on project execution activities.* In connection with each proposed annual neighborhood development program, a narrative description of:

(a) *The current status of acquisition,* disposition, and rehabilitation activities in previously approved action areas, and

(b) The current status of project improvement activities in each urban renewal area.

SEC. 3. *Form of submissions*—A. *Map scales.* Except for presentation maps, all maps shall be presented at a scale of at least 1 inch equals 200 feet, for maps showing urban renewal area boundaries and modifications thereof and maps constituting parts of urban renewal plans and modifications thereof, and at a scale of at least 1 inch equals 50 feet for site and building plan submitted in support or explanation of proposed modifications to approved urban renewal plans.

B. *Sheet sizes.* All drawings submitted shall not exceed a sheet size of 33 x 44 inches in order to be compatible with the Commission's microfilm process. For projects involving larger plans, multiple sheets, covering portions of the plan, may be submitted so that the maximum sheet size may be maintained. No minimum sheet size has been established. However, drawings should be large enough to be readable by the Commission in a large meeting room at a distance of 20 to 25 feet.

C. *Number of copies.* At least three complete sets of all materials, including action items, supporting documentation, and background data and information shall be submitted.

D. *Presentation materials.* One set of all presentation materials shall be submitted for use in the various presentations. Maps used in presentations to the Commission shall be in color—using zip-a-tone, magic marker, or other suitable materials.

SEC. 4. *Steps in Commission consideration.* 1. Staff review and evaluation of and, if determined by the Executive Director to be necessary, revisions to the urban renewal proposal and the Description of Environmental Impact submitted in accordance with section 2.B.(5).

2. Referral of the proposal or revised proposal to the Commission's Coordinating Committee for coordination with interested and affected Federal and District of Columbia agencies.

3. Referral of the proposal or revised proposal to the Agency and to interested and affected community organizations.

4. Referral of the proposal or revised proposal to the Joint Committee on Landmarks of the National Capital if the proposal or modified proposal is determined by the Executive Director to significantly affect a designated landmark.

5. Presentation of the proposal or revised proposal to the Commission's Urban Renewal and Housing Committee, together with the Executive Director's recommendation thereon.

6. Presentation of the proposal or revised proposal to the Commission, together with the report of the Urban Renewal and Housing Committee.

7. Action on the proposal or revised proposal by the Commission.

I, Daniel H. Shear, Secretary to the Commission, hereby certify that the foregoing is a true copy of the urban renewal proposals requirements as adopted by the Commission.

DANIEL H. SHEAR,
Secretary.

APRIL 6, 1972.

[FR Doc.72-5492 Filed 4-7-72;8:50 am]

NATIONAL SELECTIVE SERVICE APPEAL BOARD

ESTABLISHMENT, FUNCTIONS, AND DUTIES

Room 1002, 1730 K Street NW., Washington DC 20006, phone (202) 343-6136.

Chairman, Levi A. Jackson.
Member, E. G. Banks.
Member, C. N. Collatos.
Administrative Executive, G. J. Wendel.

Creation and authority. The National Selective Service Appeal Board was established by Executive Order 9988 of August 20, 1948, as amended by Executive Order 10116 of March 9, 1950. The Board consists of three civilian members appointed by the President. The National Board is authorized and directed to perform all functions and duties vested in the President by that sentence of section 10(b)(3) of the Military Selective Service Act as amended which reads: "The President, upon appeal, or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall me final." The National Board makes its classification determinations within the law, the regulations, and the established policies of the Director of Selective Service.

Approved.

LEVI A. JACKSON,
Chairman.

[FR Doc.72-5443 Filed 4-7-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[812-1836]

CHASE CAPITAL FUND OF BOSTON, INC.

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

APRIL 4, 1972.

Notice is hereby given that Chase Capital Fund of Boston, Inc., 535 Boylston St., Boston, MA 02216 (Applicant), a Massachusetts corporation registered as an open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant filed its Notification of Registration on Form N-8A under the Act on March 25, 1969.

Applicant states that on November 24, 1971, its shareholders approved a plan of reorganization (Plan) under which Applicant sold substantially all of its assets to Chase Frontier Fund of Boston, Inc. (subsequently called Chase Frontier Capital Fund of Boston, Inc., hereinafter "Frontier"), a Massachusetts corporation, registered under the Act as an open-end management investment company, in exchange for the common stock of Frontier.

Applicant further states that pursuant to said Plan, Frontier's common stock was distributed to Applicant's shoreholders. Applicant represents that as a result of said Plan it has neither assets, nor unclaimed dividends or other distributions. Applicant contends that it does not presently engage in any business activity and has no plans to do so in the future. In addition, Applicant states that it is filing for dissolution with the Commonwealth of Massachusetts.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than April 25, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for

hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 72-5427 Filed 4-7-72;8:47 am]

[70-5182]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issue and Sale

APRIL 3, 1972.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, NY 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $50 million principal amount of __ percent Debentures due May 1, 1997. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which will be not less than 99 percent or more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued as a new series under a Second Supplemental Indenture dated as of May 1, 1972, to the Indenture between Consolidated and Manufacturers Hanover Trust Co., New York, N.Y., as Trustee. The Indenture includes a prohibition until May 1, 1977, against refunding the issue with or in anticipation of the proceeds from borrowings at a lower cost. The proceeds of the sale of the debentures will be used to finance, in part, the 1972 capital expenditures of Consolidated's subsidiary companies, presently estimated at $127 million.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $101,000, including service charges of Consolidated Natural Gas Service Co., Inc., an associate company, at cost, of $26,000, and accountants' fees and expenses of $5,500. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 28, 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 the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant 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 declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 72-5408 Filed 4-7-72;8:47 am]

SELECTIVE SERVICE SYSTEM

ORGANIZATION AND ACTIVITIES

National Headquarters, 1724 F Street NW., Washington, DC 20435. Phone 202-343-1100.

Director, Dr. Curtis W. Tarr.
Deputy Director, Byron V. Pepitone.
Assistant Deputy Director, Operations, Daniel J. Cronin.
Assistant Deputy Director, Administration, John D. Dewhurst.
Office of Public Information, Kenneth J. Coffey.
Office of General Counsel, Walter H. Morse.
Office of Legislation and Liaison, Samuel R. Shaw.
Office of Management Evaluation, Edward W. Locke (Acting).

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 remained 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 [1]

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.

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[1] Organization chart held as part of the original document.

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 specialist 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 applications should be directed to the Director, Selective Service System, Attn: AP, 1724 F Street NW., Washington, DC 20435.

Procurement. Inquiries should be directed to Director, Selective Service System, Attn: 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.

CURTIS W. TARR,
Director of Selective Service.

[FR Doc.72–5442 Filed 4–7–72;8:49 am]

PERSONAL APPEARANCE BEFORE LOCAL BOARD; APPEAL TO APPEAL BOARD AND PRESIDENT

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in Chapters 624, 626, and 627 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, Chapters 624, 626, and 627 are set forth in full as follows:

CHAPTER 624—PERSONAL APPEARANCE BEFORE THE LOCAL BOARD

This chapter deals only with the personal appearance before the local board in accord with section 22 of the Military Selective Service Act and Part 1624 of Selective Service Regulations. The "courtesy interview" which is used occasionally as an interview with the registrant is not a statutory "personal appearance" as used in this chapter.

The local board will conduct "courtesy interviews" only for registrants who are registered with it or who have been transferred to it for classification.

SECTION 624.1. *Opportunity for personal appearance.* 1. Every registrant shall have the opportunity, in accord with the provisions of this chapter, to appear in person before the local board which classified him. After the classification action by the local board and the mailing of a Notice of Classification (SSS Form 110), the registrant shall have the right to request a personal appearance unless he was classified as a result of a personal appearance where the same claim was considered. Any registrant who has the procedural right to a personal appearance and who requests a personal appearance will have his request acknowledged within 10 working days after receipt of his request by the local board.

2. A registrant who files a claim for classification in Class 1–O, 1–A–O, or 3–A, shall upon his request, be granted an opportunity to appear in person before the local board, prior to his classification being determined by the local board (preclassification personal appearance). A registrant who requests and is granted a preclassification personal appearance will not be given another personal appearance, regarding the same claim, after the local board has made a determination and a Notice of Classification (SSS Form 110) has been mailed to him.

SEC. 624.2. *Request for personal appearance.* 1. In order for a registrant who is claiming 1–O, 1–A–O, or 3–A to qualify for a preclassification personal appearance, the local board must receive a request for the preclassification personal appearance from the registrant prior to the time the local board considers his claim.

2. A registrant, who is eligible for a post-classification personal appearance, must file a written request within 15 days after the local board has mailed a Notice of Classification (SSS Form 110) to him. This 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request a personal appearance within the 15-day period was due to some cause beyond his control.

SEC. 624.3. *Appointment for a personal appearance.* 1. The local board shall give the registrant no less than 15 days' notice before a personal appearance, unless the registrant requests an earlier appointment.

2. Should the registrant fail to appear at a scheduled personal appearance, he shall not be given an opportunity to appear at a later meeting regarding the same claim, unless he first establishes to the satisfaction of the local board good cause for his failure to appear. The registrant must file a written statement of the reason for his failure to appear at his scheduled meeting within 5 days after his failure to appear, or he will be deemed to have waived his right to appear at a later meeting of the local board, regarding the same claim. This 5-day period may be extended by the local board if it is satisfied that the registrant's failure to file a timely written statement of the reason for his failure to appear was due to some cause beyond his control.

SEC. 624.4. *Procedure for a personal appearance before the local board.* 1. A quorum of the local board or appropriate panel of the local board must be present during all personal appearances. A majority of those present at the personal appearance will determine the classification action.

2. At any personal appearance the registrant may:

a. Present evidence, and up to three witnesses;

b. Discuss his classification;

c. Point out in the class or classes in which he feels he should be placed;

d. Direct attention to any information in his file which he believes the local board has overlooked, or to which he feels it has not given sufficient weight.

The registrant may present any further information which he believes will assist the local board in determining his proper classification. All new information shall be in writing. Oral statements by the registrant shall be summarized in writing by him and submitted for inclusion in his file folder. A summary of the personal appearance may also be placed in the registrant's file folder by the Board.

3. A registrant shall be given sufficient time at his personal appearance as is reasonably necessary for the fair presentation of his claim or claims. Normally 15 minutes will be deemed adequate for this purpose, but the local board shall extend this time if it appears that further time is reasonably necessary for the fair presentation of the registrant's claim. The registrant's entire presentation, including the testimony of witnesses, shall be made during this time period.

4. A registrant who is granted a personal appearance before his local board shall be considered for all classifications which he has claimed or for which he has submitted information, and shall be deemed to have had his personal appearance for all such classifications.

5. If the registrant does not speak English adequately, he may appear with a person to act as an interpreter. This interpreter will not be considered as one of the registrant's three witnesses unless he also testifies in behalf of the registrant.

6. No registrant may be represented at his personal appearance before the local board by anyone acting as attorney or legal counsel, but an attorney is not excluded from appearing solely as a witness for a registrant.

7. Recording devices will not be utilized during any personal appearance before the local board.

SEC. 624.5 *Conduct of a personal appearance before the local board.* 1. The local board shall thoroughly review each registrant's file prior to his personal appearance. This is to insure that each attending local board member is familiar with the case prior to the registrant's personal appearance.

2. Every person (including the registrant) testifying before the local board shall be administered the following oath by a member of the local board:

You swear (affirm) that the evidence you give here in this matter shall be the truth, the whole truth, and nothing but the truth. So help you God.

Completion of, or refusal to take, the oath by the registrant or a witness, will be noted by the local board in the registrant's file. In either case the personal appearance will continue to its normal conclusion.

3. The registrant shall be given the courtesy of being introduced to each local board member present at his personal appearance. Name plates may be used by local board members. The local board members should attempt to place the registrant at ease during his personal appearance.

4. Any questions asked by the local board member should be relevant to the registrant's case.

5. It is important that the registrant realize that his classification will be decided by the local board, and not by the compensated employee who may be present during his appearance. To accomplish this, the compensated employee should not participate in the hearing, except to answer questions directed at him or her by a local board member.

6. Witnesses who appear before the local board should appear singly (the registrant being present throughout his personal appearance), and they shall be extended the same courtesies given a registrant. Upon completion of a witness' testimony, he should be excused from the meeting room. The local board may, however, allow more than one witness to be present at the same time, and to remain throughout the entire proceedings, if it appears to be beneficial to the general presentation of the registrant's claim. It will be the responsibility of the registrant to reduce to writing, for inclusion in his file, any oral information presented by his witnesses.

7. Upon reaching the end of the actual personal appearance, the local board should advise the registrant of the following, prior to excusing him from the room:

a. That the local board will decide his classification, based upon the information within his file and the information that was presented to the local board at his personal appearance;

b. That a Notice of Classification will be mailed to him shortly, reflecting the local board's decision in this matter;

c. That if his claim is denied by the local board, he will be supplied with the reasons of its decision along with his Notice of Classification;

d. That he may appeal the local board's decision by filing a written appeal within 15 days of the mailing of the Notice of Classification;

e. The local board should advise the registrant of any other information that it deems appropriate at this time;

f. The local board should advise the registrant that he may prepare a summary of the personal appearance for inclusion in his file, at this time.

8. At this point, the local board should thank him for attending the personal appearance and advise him that his personal appearance is now concluded.

SEC. 624.6. *Procedure when a registrant fails to appear.* 1. Whenever a registrant for whom a personal appearance has been scheduled fails to appear as scheduled, the local board shall consider, in accordance with § 624.3(2), any explanation of such failure that has been filed within 5 days, or filed within any period of extension as granted by the local board. If, at the next scheduled local board meeting, the local board determines that the registrant's failure to appear for his personal appearance was without good cause, or if he failed to mail or submit an acceptable explanation within 5 days (or extension as granted by the local board), the registrant will be deemed to have had his personal appearance, and the following action will be taken:

a. If the scheduled personal appearance was a preclassification appearance, the local board will classify the registrant on the basis of the information in his file and mail him a Notice of Classification (SSS Form 110).

b. If the scheduled personal appearance was a post-classification appearance and the local board has not received new or additional information which in its judgment would warrant reopening the classification, the local board will notify the registrant in writing that it did not reopen and why.

c. If the scheduled personal appearance was a post-classification appearance and there is additional information in the file which the local board judges sufficient to warrant reopening, it will reopen and consider anew the classification and mail the registrant a Notice of Classification (SSS Form 110).

d. In the case of (a), (b), or (c) above the registrant will have the right of appeal to the appeal board.

In the event the local board classifies the registrant in a class other than that which he requested, it shall record the reasons on a Report of Information (SSS Form 119) or in a written statement which shall be signed by a local board member and filed in the registrant's file folder. The local board shall inform the registrant in writing of the reasons at the time it mails his Notice of Classification (SSS Form 110), retaining a copy of the letter in the registrant's file. The mailing of the SSS Form 110 will extend to the registrant the right to request an appeal, but will not extend the right of another personal appearance regarding the same claim. This action will be taken without regard to whether the scheduled personal appearance was a preclassification or a post-classification personal appearance. The reopening by the local board under the provisions of this section cancels any appeal which was filed during any previous period afforded the registrant to request an appeal.

2. A notation that the registrant failed to appear before the local board shall be entered on page 8 of his Classification Questionnaire (SSS Form 100) or on page 2 of his Registrant File Folder (SSS Form 101), as appropriate.

3. If, under the provisions of paragraph 2 of § 624.3, the local board determines that the registrant had good

cause for failing to report for his personal appearance he will be given the opportunity to appear before the local board at a later meeting, and his case will be considered as if he had not been previously scheduled for a personal appearance regarding the same claim.

SEC. 624.7. *Procedure of the local board following a personal appearance.* 1. After the registrant appears before the local board, it shall classify the registrant, and mail a Notice of Classification (SSS Form 110) to him. If the scheduled personal appearance was a pre-classification personal appearance, the registrant shall be notified that he is not entitled to a post-classification personal appearance. In the event the local board classifies the registrant in a class other than that which he requested, it shall record the reasons on a Report of Information (SSS Form 119), which shall be signed by a local board member who was present at the meeting at which the registrant was classified, and this shall be filed in the registrant's file folder. The local board shall inform the registrant of the reasons for denial in writing at the time it mails his Notice of Classification (SSS Form 110).

2. A statement that the registrant has appeared before the local board shall be entered on page 8 of his Classification Questionnaire (SSS Form 100) or on page 2 of his Registrant File Folder (SSS Form 101), as appropriate.

SEC. 624.8. *Appearance before the local board stays an induction order, selection for alternate service or order to report for alternate service.* The local board shall not issue a registrant an order to report for induction, a selection for alternate service, or an order to report for alternate service during the period afforded him to request a personal appearance before the local board or, if he has requested a personal appearance, during the period the personal appearance is pending. Any order to report for induction (SSS Form 252), selection for alternate service (SSS Form 155), or order to report for alternate service (SSS Form 153) which has been issued during either period shall be canceled by the local board, and the registrant shall be notified of the cancellation.

CHAPTER 626—APPEAL TO THE APPEAL BOARD

SEC. 626.1. *Who may appeal.* 1. The Director of Selective Service, the State Director of Selective Service of the local board of jurisdiction, or the State Director of Selective Service of the State where the local board which classified the registrant is located, may appeal from any classification action of a local board at any time prior to the induction of the registrant, or his reporting for alternate service.

2. The registrant may appeal to an appeal board within prescribed time limits, from any classification given to him by the local board except his initial administrative classification into Class 1-H.

SEC. 626.2. *Time limit within which registrant may appeal.* 1. The registrant must file his appeal (and his request for a personal appearance before the appeal board, if a personal appearance is desired) within 15 days after the date the local board mails to him a notice of classification (SSS Form 110).

2. Any time prior to the date the local board mails to the registrant an order to report for induction (SSS Form 252) or order to report for alternate Service (SSS Form 153), the local board will permit him to appeal even though the period for taking an appeal has elapsed, if the local board is satisfied that his failure to appeal within was due to some cause beyond his control. When the local board grants an extension of time to appeal to the registrant, he may within the extended period also request a personal appearance before the appeal board. When the local board grants an extension of time, an entry will be made on page 2 of the Registrant File Folder (SSS Form 101), or page 8 of the Classification Questionnaire (SSS Form 100).

SEC. 626.3. *Procedure for taking an appeal.* 1. Any person entitled to do so may appeal to the appeal board by filing with the local board a written notice of appeal. If the Director of Selective Service or the State Director of Selective Service appeals to the appeal board he shall place in the registrant's file a written statement of his reasons for taking such appeal.

2. Whenever an appeal is taken from a local board's classification by the Director of Selective Service or the State Director of Selective Service, the local board shall notify the registrant in writing of the action, the reasons therefor, and inform him that (1) his appeal will be considered by the appeal board for the area in which his local board is located unless he files, within 15 days from the date on the letter of notification, a written request with the local board that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence, and (2) he may request a personal appearance before the appeal board if he files with the local board within 15 days from the date on the letter of notification a written request for such personal appearance. The 15-day period may be extended by the local board when it is satisfied that the registrant's failure to file a written request within such period was due to some cause beyond his control.

3. If the Director or state director has the registrant's file folder in his possession when the appeal is taken, he shall return the file folder to the local board (when the file folder is in the possession of the Director, it shall be returned through the state director) with a notice in writing that the appeal is being taken and statement of his reasons for taking such appeal. The local board shall send the registrant's file folder to the appeal board having jurisdiction over the area in which the registrant's local board of jurisdiction is located unless the registrant has timely filed his request that it be sent to another appeal board. If the registrant has timely filed such request, the file folder shall be sent to the appeal board in accordance with that request.

4. When the registrant is taking the appeal, he may also request an opportunity to appear in person before the appeal board and that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence. The notice of appeal need not be in any particular form, but must include the name of the registrant and his request. Any notice shall be liberally construed so as to permit the appeal.

5. The appeal board for the area in which the registrant's local board is located shall consider the appeal of the registrant's classification unless the registrant has timely filed with his local board having jurisdiction over the area in which is located his principal place of employment or residence.

6. The registrant may attach to his appeal a statement specifying the reasons he believes the classification inappropriate, directing attention to any information in his file which he believes received inadequate consideration, and setting out more fully any information which was submitted.

7. Prior to forwarding the registrant's file folder through the State Director to the appeal board, the local board secretary will prepare the file and complete the procedures required for taking an appeal, to include the following:

a. Issuance of Individual Appeal Record (SSS Form 120) to the registrant. When the appeal has been taken by the Director or State Director, the reasons for taking the appeal will be stated in writing and attached to the SSS Form 120.

b. Insertion of the reasons for taking an appeal in the registrant's file folder, if it was taken by the Director or the State Director.

c. Insuring that all documents in the registrant's file folder are arranged in chronological sequence, latest on top, except that the SSS Form 100 shall always be the top document.

d. Insuring that the registrant's file folder does not contain information which has not been reviewed by the local board. If any such information is present, it shall be considered by the local board, and if the local board does not reopen the registrant's classification, the file shall be sent to the appeal board.

e. Insuring that the period for requesting a personal appearance or that the appeal be considered by an appeal board other than the one for the area in which the registrant's local board is located has expired.

f. Insuring that an entry has been made on page 2 of the registrant's file folder, or page 8 of the classification questionnaire indicating the date of mailing the file to the State Director for forwarding to the appeal board.

SEC. 626.4. *Review by appeal board.* 1. The appeal board shall consider appeals in the order of the registrant's vulnerability for induction or alternate service.

2. Upon receipt of the registrant's file folder, the appeal board shall check to see whether the registrant has requested a personal appearance before the appeal

board. If no request for a personal appearance has been made, the appeal board may classify the registrant after 15 days have expired from the date of receipt of the registrant's file.

3. If a registrant has requested a personal appearance before the appeal board, the appeal board will notify the registrant of the date, time and place of his scheduled appearance and will mail him such notification at least 15 days prior to the scheduled appearance.

4. Should the registrant fail to appear as scheduled, except for good cause he establishes to the satisfaction of the appeal board, he shall not be given an opportunity to appear at a later meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within five days after such failure, or the registrant will be deemed to have waived his right to an opportunity to appear at a later meeting. The 5-day period may be extended by the appeal board when it is satisfied that the registrant's failure to file a written statement within such period was due to some cause beyond his control. In any event, the appeal board shall not classify the registrant at the meeting at which the registrant failed to appear, unless the registrant had withdrawn his request to appear.

5. The registrant is entitled to such time for his personal appearance as the appeal board determines is reasonably necessary for the fair presentation of the claim. No registrant may be represented before the appeal board by anyone acting as attorney or legal counsel. The registrant shall not be entitled to present witnesses. If the registrant does not speak English adequately, he may appear with a person to act as an interpreter. Recording devices will not be utilized during any personal appearance before the appeal board.

6. At any personal appearance the registrant may:

a. Present evidence.

b. Discuss his classification.

c. Point out the class or classes in which he thinks he should have been placed.

d. May direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight.

e. May furnish further information which he believes will assist the appeal board in determining his proper classification. Such information shall be in writing or if oral, shall be summarized in writing by the registrant and placed in his file. Such information shall be as concise as possible under the circumstances. A summary of the personal appearance may also be placed in the registrant's file folder by the board.

7. During a registrant's personal appearance there shall be present a quorum of the members of the appeal board, or appropriate panel of the appeal board, and only those members of the appeal board before whom the registrant appeared shall classify him. Classification of the registrant by the appeal board may take place after one of the following has occurred:

a. He has appeared before the board.

b. He withdrew his request to appear.

c. He waived his right to an opportunity to appear.

d. He failed to appear, without establishing to the satisfaction of the appeal board good cause therefor.

8. In reviewing the appeal and classifying the registrant, the appeal board shall consider the various classes in the order specified in chapter 623. The appeal board shall not receive or consider any information other than the following:

a. Information contained in the registrant's file folder as received from the local board.

b. General information concerning economic, industrial, and social conditions.

c. Oral statements by the registrant and written evidence submitted by him to the appeal board during his personal appearance.

9. After classifying the registrant, the appeal board shall prepare the Action by Appeal Board (SSS Form 120A). In the event that the appeal board classifies the registrant in a class other than that which he requested, it shall record its reasons on a Report of Information (SSS Form 119) which shall be signed by a member of the appeal board who was present at the meeting at which the registrant was classified, and this shall be filed in the registrant's file folder. The appeal board shall enclose SSS Form 120 A in the registrant's file folder, make entries on the Docket Book of Appeal Board (SSS Form 121) indicating the determination, and transmit the registrant's file folder through the appropriate State Director of Selective Service to the local board.

SEC. 626.5. *Procedure of local board following action by appeal board.* 1. When the registrant's file folder is received by the local board, it shall:

a. Complete and mail SSS Form 110 to the registrant, together with written notification of the appeal board's reasons for the classification, if the registrant was classified in a class other than that which he had suggested. Send copy of SSS Form 110 to the Data Processing Center.

b. Enter on the Classification Record (SSS Form 102) and the Registrant File Folder (SSS Form 101) or the Classification Questionnaire (SSS Form 100) the classification granted by the appeal board and the date of classification.

c. Enter date of mailing of SSS Form 110 on the registrant file folder or the classification questionnaire.

d. Enter the classification action on the Minutes of Local Board Meeting (SSS Form 112) of the next local board meeting.

SEC. 626.7. *Appeal stays induction and alternate service.* 1. The local board shall not issue an order to report for induction, a selection for alternate service, or an order to report for alternate service either during the period afforded the registrant to take an appeal to the appeal board or during the period such an appeal is pending. Any such form which has been issued during either of those periods shall be canceled by the local board. Upon cancellation, the registrant will be notified in writing, and a copy of the cancellation will be placed in his file folder and noted on page 2 of the file folder, or page 8 of the classification questionnaire.

CHAPTER 627—APPEAL TO THE PRESIDENT

SEC. 627.1. *Persons who may appeal to the President.* 1. The Director of Selective Service, the State Director of Selective Service of the State where the local board which classified the registrant is located, or the State Director of Selective Service of the State where the appeal board which classified the registrant is located, may appeal to the President from any determination of an appeal board at any time prior to the induction of the registrant, or his reporting for alternate service.

2. When a registrant has been classified by the appeal board and one or more members of the appeal board dissented from that classification, he may appeal to the President and request a personal appearance before the National Selective Service Appeal Board within 15 days after the mailing by the local board of the Notice of Classification (SSS Form 110) notifying him of his classification by the appeal board. The local board may permit any registrant who is entitled to appeal to the President under this section to do so at any time prior to the date the local board issues to him an order to report for induction (SSS Form 252) or an order to report for alternate service (SSS Form 153), even though the period of taking such an appeal has elapsed, if it is satisfied that his failure to appeal within such period was due to some cause beyond his control.

SEC. 627.2. *Procedure for taking an appeal to the President.* 1. Any person entitled to do so may appeal to the President by filing with the local board a written notice of appeal. This notice need not be in any particular form but must identify the registrant and indicate that the classification is being appealed to the President. If the Director or a State Director appeals, he shall place in the registrant's file folder a written statement of his reasons for taking the appeal. A copy of the notice of appeal shall be furnished to the State Director for the State where the appeal board which classified the registrant is located.

2. If the Director or State Director has the registrant's file folder in his possession when the appeal is taken, he shall return the file folder to the local board (when the file folder is in the possession of the Director, it shall be returned through the State Director) with a notice in writing that the appeal is being taken.

SEC. 627.3. *Procedure on appeal to the President.* 1. Whenever the Director or the State Director appeals to the President, the registrant shall be informed on SSS Form 120 that if he desires to appear before the National Selective Service Appeal Board (National Board) he must within 15 days from the date on the SSS Form 120 request an appearance in writing, addressed to his local board. The

15-day period may be extended by the local board when it is satisfied that the registrant's failure to request an appearance within that period was due to some cause beyond his control. The local board shall promptly notify the National Board of the registrant's request to appear before it. The local board shall then forward the entire file to the State Director of Selective Service, placing copies of SSS Form 120 in the registrant's file. The local board shall enter on page 2 of the Registrant File Folder (SSS Form 101) or page 8 of the Classification Questionnaire (SSS Form 100) the date the file is forwarded.

2. If the registrant is taking the appeal, he may at the same time file a written request with the local board to appear before the National Board. This request shall be placed in the registrant's file and acknowledged prior to being forwarded.

3. When the registrant's file is received by the State Director for forwarding to the President, the State Director shall check the file to be sure that all procedural requirements have been properly complied with, including the issuance of SSS Form 120 confirming such an appeal has been taken. If he discovers any procedural error, he shall return the file to the local board for corrective action. When any information has been placed in the file which was not considered by the local board in making the classification from which the appeal to the President is taken, the State Director shall review such information. When in his opinion, the information, if true, would justify a different classification of the registrant, he shall return the file to the local board with a request that the local board reopen and classify the registrant anew.

4. When the State Director has complied with the provisions of the preceding paragraph he shall, unless the file is returned to the local board, forward the file to the Director of Selective Service: Attention: NSSAB.

5. If an appeal is withdrawn by the Director or State Director, the registrant will be informed in writing. If an appeal or request for a personal appearance is withdrawn by the registrant, his withdrawal will be acknowledged.

SEC. 627.4. *Procedures of the National Selective Service Appeal Board.* 1. An appeal to the President is determined by the National Selective Service Appeal Board (National Board).

2. The National Board shall classify any registrant who has not requested a personal appearance after the specified time in which to request a personal appearance has expired.

3. Not less than 15 days in advance of the meeting at which his classification will be considered, the National Board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail to appear at the scheduled meeting (except for good cause he establishes to the satisfaction of the National Board), he shall not be granted an opportunity to appear at a later meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure, or he will be deemed to have waived his right to an opportunity to appear at a later meeting. If he establishes to the satisfaction of the National Board that he has good cause for not appearing on the date originally scheduled, he shall be scheduled to appear at a later date. His 5-day period may be extended by the National Board when it is satisfied that his failure to file a written statement within such period was due to some cause beyond the registrant's control.

4. The registrant is entitled to 15 minutes for his personal appearance. The National Board may, in its discretion, extend the time of the registrant's personal appearance. A registrant cannot be represented before the National Board by anyone acting as attorney or legal counsel. The registrant shall not be entitled to present witnesses. If the registrant does not speak English adequately, he may appear with a person to act as an interpreter. Recording devices will not be utilized during any personal appearance before the National Board.

5. At any such appearance, the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information on his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. At the time the registrant requests a personal appearance he may furnish such further information as he believes will assist the National Board in determining his proper classification.

6. The National Board shall classify a registrant who has requested a personal appearance after (a) he has appeared before the National Board, (b) he withdrew his request to appear, (c) he waived his right to an opportunity to appear, or (d) he failed to appear without establishing good cause to the satisfaction of the National Board. When a registrant appears before the National Board, only those members of the Board before whom the registrant appeared shall classify him. Classifications will be determined by a quorum of the National Board or appropriate panel of the National Board.

7. In reviewing the appeal and classifying the registrant, the National Board shall not receive or consider any information other than the following:

a. Information contained in the registrant's file folder received from the local board;

b. General information concerning economic, industrial, and social conditions; and

c. Oral statements by the registrant and written evidence submitted by him to the National Board during his personal appearance. Oral statements by the registrant shall be summarized in writing by him and submitted for inclusion in his file folder. A summary of the personal appearance may also be placed in the registrant's file folder by the Board.

8. In the event that the National Board classifies the registrant in a class other than that which he requested, it shall record its reasons in his file. Upon the receipt by the local board of a written request from the registrant within 30 days following the mailing of a Notice of Classification (SSS Form 110), the local board shall furnish to the registrant a brief statement of the reasons for the decision of the National Board.

SEC. 627.5. *File to be returned after appeal to the President is decided.* When the appeal to the President has been decided, Minutes of Action Upon Appeal to the President completed, and the Docket Book entries recorded, the file shall be returned to the local board through the appropriate State Director of Selective Service.

SEC. 627.6. *Procedure of Local Board after file is returned.* When the file of the registrant is received by the local board, it shall:

(1) Mail an SSS Form 110 to the registrant, and

(2) Enter on the Classification Record (SSS Form 102), on the Minutes of Local Board Meeting (SSS Form 112) and on page 2 of the Registrant File Folder (SSS Form 101) or page 8 of the Classification Questionnaire (SSS Form 100) the classification given the registrant by the National Board. Also enter the date of mailing of the SSS Form 110 on page 2 of the Registrant File Folder or page 8 of the Classification Questionnaire.

SEC. 627.7. *Appeal to the President stays induction or order for alternate service.* The local board shall not issue a registrant an order to report for induction (SSS Form 252), a selection for alternate service (SSS Form 155), or an order to report for alternate service (SSS Form 153) during the period afforded the registrant to take an appeal to the President or during the period his appeal is pending. Any such form which has been issued during either of those periods shall be canceled by the local board, and the registrant will be notified in writing of the cancellation. A copy of the cancellation will be placed in his file folder and an entry made on page 2 of the Registrant File Folder or page 8 of the Classification Questionnaire.

CURTIS W. TARR,
Director.

APRIL 5, 1972.

[FR Doc.72-5429 Filed 4-7-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

BUSINESS GROWTH INVESTMENTS CORP.

Notice of Surrender of License To Operate as Small Business Investment Company

Notice is hereby given that Business Growth Investments Corp. (Business), 525 South Troost, Tulsa, OK 74120, has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR 107.105

(1971)), surrendered its license to operate as a small business investment company (SBIC).

Business was incorporated under the laws of the State of Oklahoma to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license number 10–0009 by the Small Business Administration (SBA) on May 24, 1960.

Under the authority vested by the Act and the regulations promulgated thereunder, the surrender of the license of Business is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: April 3, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72–5378 Filed 4–7–72;8:45 am]

[License 03/03–5112]

GREATER PHILADELPHIA VENTURE CAPITAL CORPORATION, INC.

Notice of Issuance of License to Operate as Minority Enterprise Small Business Investment Company

On March 14, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 5336), stating that Greater Philadelphia Venture Capital Corporation, Inc., 920 Lewis Tower Building, 225 South 15th Street, Philadelphia, PA 19102, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business March 24, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 03/03–5112 to Greater Philadelphia Venture Capital Corporation, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: April 3, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72–5379 Filed 4–7–72;8:45 am]

SUTTER HILL CAPITAL CORP.

Notice of Filing of an Application for Exemption With Respect to Conflict-of-Interest Transaction

Notice is hereby given that Sutter Hill Capital Corp. (SHCC), 2600 El Camino Real, Palo Alto, CA 94306, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 09/12–0087, has filed an application pursuant to § 107.1004 of the Small Business Administration rules and regulations (13 CFR § 107.1004 (1971)) for an exemption with respect to a conflict-of-interest transaction covered by section 312 of the Act.

On August 17, 1971, SHCC guaranteed $59,700 of a $500,000 loan to Mohawk Products, Inc. (Mohawk), Gloversville, N.Y. This investment comes within the purview of the above-cited regulation because Mr. William H. Draper III, who is president and a director of SHCC, together with other members of the Draper family owns 103,520 shares, approximately 25 percent, of the outstanding common stock of Mohawk. Further, Mr. William H. Draper, Jr., is a member of the Board of Directors of Mohawk.

The application represents the following:

1. In consideration for this guarantee, Mohawk will issue to the guarantors, on a pro rata basis, 150,000 3-year warrants to acquire additional common stock of Mohawk at $1 per share.

2. The financing was fair and reasonable to all parties concerned.

3. The guarantee was required in order to support lines of credit covering the purchase of materials.

4. The guarantee does not jeopardize SBA's position as a creditor of SHCC.

On September 9, 1969, SBA granted SHCC exemptive approval with respect to its making an equity investment in Mohawk in the amount of $100,016 (30,080 shares). Also, on April 8, 1971, SBA granted SHCC exemptive approval to increase its ownership to 38,400 shares at a total cost of $132,516.

Notice is further given that any interested person may, not later than 15 days from the publication of this notice, submit to SBA, in writing, relevant comments on this transaction. Any such comments should be addressed to the Associate Administrator for Investment, 1441 L Street NW., Washington, DC 20416. After the aforementioned 15-day period, SBA may, under the Regulations, dispose of the application on the basis of the information stated in said application and other relevant data.

Dated: April 3, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72–5380 Filed 4–7–72;8:46 am]

[License Application 05/05–5089]

CHICAGO COMMUNITY VENTURES, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Chicago Community Ventures, Inc. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1971)).

The officers and directors of the applicant are as follows:

Benjamin C. Duster, President, Director, 19 South La Salle Street, Chicago, IL 60603.
Daryl F. Grisham, Chairman, Board of Directors, 4605 South State Street, Chicago, IL 60609.
Richard H. Chandler, Vice Chairman, Board of Directors, 7100 McCormick Road, Chicago, IL 60645.
Victor Sholis, Secretary, Director, 2201 North Cleveland Avenue, Chicago, IL 60614.
Frederick C. Ford, Treasurer, Director, 30 West Monroe Street, Chicago, IL 60603.
Warren H. Bacon, Director, 30 West Monroe Street, Chicago, IL 60603.
Roland W. Burris, Director, 231 South La Salle Street, Chicago, IL 60604.
Marvin Chandler, Director, Post Office Box 190, Aurora, IL 60607.
Walter L. Coleman, Director, 19 South La Salle Street, Chicago, IL 60603.
Ernest Collins, Director, 327 East 79th Street, Chicago, IL 60619.
Bertel W. Dalgre, Director, 5437 South Wabash, Chicago, IL 60615.
A. E. Dotson, Director, 6233 South Halsted, Chicago, IL 60621.
Vincent D. Geimer, Director, 111 East Wacker Drive, Chicago, IL 60601.
Harry Henderson, Director, 310 South Michigan Avenue, Chicago, IL 60604.
Donald Jackson, Director, 333 North Michigan Avenue, Chicago, IL 60601.
Robert Logan, Director, 120 South La Salle Street, Chicago, IL 60603.
Louis E. Martin, Director, 2400 South Michigan Avenue, Chicago, IL 60616.
Roscoe Mitchell, Director, 19 South La Salle Street, Chicago, IL 60603.
George Perez, Director, 2511 West North Avenue, Chicago, IL 60647.
Robert Stuart, Director, 5959 South Cicero Avenue, Chicago, IL 60638.
J. W. Van Gorkom, Director, 111 West Jackson Boulevard, Chicago, IL 60604.
John Viera, Director, 3500 North California Avenue, Chicago, IL 60618.

The applicant, a Delaware corporation, qualified to do business in the State of Illinois and having its principal place of business in Illinois, located at 19 South La Salle Street, Chicago, IL 60603, will begin operations with $1,005,000 of paid-in capital, consisting of 10,050 shares of common stock issued to the following stockholders:

Armour-Dial, Inc., 111 East Wacker Drive, Chicago, IL 60601.
Bell & Howell Co., 7100 McCormick Road, Chicago, IL 60645.
Central National Bank in Chicago, 120 South La Salle Street, Chicago, IL 60603.
Chicago Urban League, South Side Office, 4500 South Michigan Avenue, Chicago, IL 60653.
Commonwealth Edison Co., 1 First National Plaza, Chicago, IL 60690.
Continental Illinois National Bank & Trust Co. of Chicago, 231 South La Salle Street, Chicago, IL 60604.
Field Enterprises, Inc., 401 North Wabash Avenue, Chicago, IL 60611.
Illinois Central Industries, Inc., 135 East 11th Place, Chicago, IL 60605.
Illinois Tool Works, Inc., 8501 West Higgins Avenue, Chicago, IL 60631.

Interlake Steel Co., 310 South Michigan Avenue, Chicago, IL 60604.
Marcor, Inc., 619 West Chicago Avenue, Chicago, IL 60607.
National Can Co., 5959 South Cicero Avenue, Chicago, IL 60638.
Northern Illinois Gas Co., East-West Tollway at Route 59, Aurora, IL 60507.
Northern Trust Co., 50 South La Salle Street, Chicago, IL 60603.
Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, IL 60607.
Trans Union Corp., 111 West Jackson Boulevard, Chicago, IL 60604.
Zenith Radio Corp., 1900 West Austin Avenue, Chicago, IL 60639.

None of the applicant's stockholders owns 10 percent or more of the outstanding stock.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chicago, Ill.

Dated: April 7, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5534 Filed 4-7-72;9:46 am]

TARIFF COMMISSION

[TEA-W-138]

OHIO LEATHER CO.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Ohio Leather Co., Girard, Ohio, the U.S. Tariff Commission, on April 4, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with calf and kip upper leathers (of the types provided for in item number 121.30 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: April 5, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-5409 Filed 4-7-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 5, 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 135978, Red Line Express, Inc., now being assigned hearing May 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 51146 Sub 244, Schneider Transport & Storage, Inc., assigned May 25, 1972, at Washington, D.C., canceled and application dismissed.
FD 27039, Erie Lackawanna Railway Co. Bonds Modification, now being assigned hearing May 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 63390 Sub 16, Carl R. Bieber Inc., now assigned April 25, 1972, at Reading, Pa., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5435 Filed 4-7-72;8:48 am]

[Notice 47]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1759 (Sub-No. 28 TA), filed March 20, 1972. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, CT 06902. Applicant's representative: Attorney Reubin Kaminsky, 342 North Main Street, Suite 211, West Hartford, CT 06117. Area Code 203, 236-5933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products, fresh*, except frozen and unleavened bakery products, from the plantsite of Nancy Lynn Bakery Division of the Grand Union Co. at Bridgeport, CT, to Landover, Md., (2) *Stale, damaged, refused, rejected*, and nonsalable bakery products, except frozen and unleavened bakery products and empty containers and empty racks from Landover, Md., to the plantsite of Nancy Lynn Bakery Division of the Grand Union Co., for 180 days. Supporting shipper: The Grand Union Co., 640 Winters Avenue, Paramus, NJ. Send protests to: District Supervisor Robert E. Lee, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 51146 (Sub-No. 263 TA), filed March 20, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298 (ZIP 54306),

[1] Except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Green Bay, WI 54304. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Monroe, Wis., to points in Maryland, New York, New Jersey, Pennsylvania, Delware, and the District of Columbia, for 180 days. Supporting shipper: N. Dorman and Co., Inc., (Walter Donovan, General Manager), Monroe, Wis. 53566. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 107002 (Sub-No. 415 TA), filed March 17, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth, Post Office Box 1123, U.S. Highway 80 West, Jackson, MS. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Pascagoula, Miss., to Pensacola, Fla., for 180 days. Supporting shipper: Coastal Chemical Corp., Post Office Box 388, Yazoo City, MS 39194. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 110525 (Sub-No. 1032 TA), filed March 21, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuser oil*, in bulk, in tank vehicles, from Carrollton, Ky., to Greensboro, N.C., for 180 days. Supporting shipper: Down Corning Corp., Carrollton, Ky. 41008. Send protests to: District Supervisor Peter R. Guman, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111170 (Sub-No. 187 TA), filed March 23, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Columbia County, Ark., to points in Louisiana, Mississippi, Oklahoma, Tennessee, and Texas (except Houston, Tex., and 50-mile radius thereof), for 180 days. Supporting shipper: The Dow Chemical Co., Louisiana Division, Plaquemine, La. 70764. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114897 (Sub-No. 96 TA), filed March 17, 1972. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Drive, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and residual fuel oil*, in bulk, in tank vehicles, from Ciniza, N. Mex., to points in San Juan County, Utah, for 180 days. Supporting shipper: D. L. Nielsen, Vice President, Arizona Refining Co., Post Office Box 1453, Phoenix, AZ 85201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 116073 (Sub-No. 227 TA), filed March 21, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings, and modular buildings in sections*, from the plantsite of Riviera Pacific Homes, Inc., in Los Angeles County, Calif., to points in Arizona, Nevada, and Utah, for 180 days. Supporting shipper: Riviera Pacific Homes, Inc., 14300 Davenport Road, Saugus, CA 91350. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 116314 (Sub-No. 22 TA), filed March 16, 1972. Applicant: MAX BINSWANGER TRUCKING, 13846 Alondra Boulevard, Santa Fe Springs, CA 90670. Applicant's representative: Carl H. Fritze, Law Offices: Russell & Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Creal, Calif., to points in Arizona (except Yuma and Mohave Counties), for 180 days. Supporting shipper: California Portland Cement Co., 612 South Flower Street, Los Angeles, CA 90017. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 119880 (Sub-No. 52 TA), filed March 22, 1972. Applicant: DRUM TRANSPORT, INC., Box 2056, 617 Chicago Street, East Peoria, IL 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Peoria, Ill., to Schaefferstown, Lebanon County, Pa., for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., Peoria, Ill. 61601. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 124947 (Sub-No. 15 TA), filed March 20, 1972. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass, Post Office Box 2338, East Peoria, IL 61611. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Fredonia, Flagstaff, and Winslow, Ariz.; Panguitch, Utah, to points in Illinois, Indiana, Ohio, Wisconsin, and Kentucky, for 180 days. Supporting shippers: Duke City Lumber Co., Post Office Box 25807, Albuquerque, NM 87125, and Kaibab Industries Inc., Box 20506, Phoenix, AZ 85036. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126489 (Sub-No. 15 TA), filed March 22, 1972. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate, dicalcium phosphate, diammonium phosphate, and monoammonium phosphate*, in bulk and bagged, from Beaumont, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma, for 180 days. Supporting shipper: Borden Chemical, Borden, Inc., 50 West Broad Street, Columbus, OH. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 126539 (Sub-No. 8 TA), filed March 23, 1972. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy products*, from Gladbrook, Iowa, to points in Illinois, Kansas, Minnesota, and Missouri, for 180 days. Supporting shipper: Central Iowa Bean Mill, Gladbrook, Iowa 50635. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128586 (Sub-No. 5 TA), filed March 16, 1972. Applicant: FEED HAULERS, INC., Star Route, East Lake Road, Box 18, Guntersville, AL 35976. Applicant's representative: D. H. Markstein, Jr., attorney, 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry meal*, from Cornelia, Ga., to Davenport and Clinton, Iowa, Mechanicsburg, Pa., and Oklahoma City, Okla., for 180 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations,

Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 129656 (Sub-No. 5 TA), filed March 17, 1972. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, AZ 85034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster and wallboard*, from Apex, Nev., to points in Arizona, for 180 days. Supporting shipper: Johns-Manville, Western Gypsum Department, 4301 East Firestone Boulevard, Post Office Box 1788, South Gate, CA 90280. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5434 Filed 4-7-72;8:48 am]

[Notice 42]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73460. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Jeff's Trucking, Inc., Waupun, Wis., of the operating rights in certificates Nos. MC-8310, MC-8310 (Sub-No. 1), MC-8310 (Sub-No. 2), MC-8310 (Sub-No. 3), MC-8310 (Sub-No. 4), and MC-8310 (Sub-No. 5), issued March 29, 1945, November 9, 1951, November 9, 1951, January 23, 1952, November 30, 1970, and January 21, 1971, respectively, to Ray Jeffords, doing business as Jeff's Truck Service, Waupun, Wis., authorizing the transportation of household goods, radially, between points in Fond du Lac, Dodge, and Green Lake Counties, Wis., and points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, and Michigan; and radially, between Columbus, Wis., and points within 50 miles of Columbus, and points in Illinois, Indiana, Iowa, and Minnesota; canned and preserved foodstuffs and materials, equipment, and supplies used thereof, except in bulk, in tank, or hopper type vehicles, from points in the township of Lomira, Dodge County, Wis., to points in Wisconsin; and tire patches, pneumatic tire repair kits, metal rivets, tire vulcanizers, tire retreaders, rivet machines, lubricating oils and greases, scrap metals, metal wire, and such supplies and materials as used in the manufacture of tire patches, and other related commodities, metal radiator and electrical enclosures, and sheet metal specialties, uncrated, from and to specified points in Illinois and Wisconsin. Nancy Johnson, 4506 Regent Street, Madison, WI 53705, attorney for applicants.

No. MC-FC-73484. By order or March 29, 1972, the Motor Carrier Board approved the transfer to Neal R. Gorham and David D. Gorham, a partnership, doing business as G B Trucking, Soldier, Iowa 51572, of the operating rights in certificate No. MC-93828 issued July 1, 1959, to Lawrence E. Hieber, Moorhead, Iowa 51558, authorizing the transportation of lumber and other building materials, feed, salt, agricultural implements and parts, and fencing, from Omaha, Nebr., to Pisgah, Iowa, and points within 15 miles of Pisgah.

No. MC-FC-73495. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Clarence D. Hahn, Palmerton, Pa., of the operating rights in certificates Nos. MC-112517 and MC-112517 (Sub-No. 2) issued December 6, 1961, and April 29, 1971, respectively, to Harry Hahn, Palmerton, Pa., authorizing the transportation of coal, from points in Luzerne and Schuylkill Counties, Pa., to points in Monmouth, Bergen, and Essex Counties, N.J., and Rockland County, N.Y.; and from, Hazleton, Pa., points in Luzerne County, Pa., within 5 miles of Hazleton, and points in Schuylkill County, Pa., to Palisades Park, N.J., and points in Bronx County, N.Y. Sidney R. Webb, 540 Delaware Avenue, Palmerton, Pa. 18071, attorney for applicants.

No. MC-FC-73547. By order of March 29, 1972, the Motor Carrier Board approved the transfer to Byran and Brittingham, Inc., Box 54, Delmar, DE 19940, of the operating rights in Certificate No. MC-134719 (Sub-No. 2), issued May 19, 1971, to Raymond C. Dryden and Grace D. Venable, a partnership, doing business as Eagle Mills, Post Office Box 395, Pocomoke City, MD 21851, authorizing the transportation of prepared animal and poultry feed in bulk and germicides, vermifuges, disinfectants, and weed killers and specialty feeds, in containers, when transported at the same time and in the same vehicle with prepared animal and poultry feed, from the plantsite of Ralston-Purina Co. in or near Delmar, Del., to points in Queen Annes, Dorchester, Talbot, Caroline, Wicomico, Worchester, and Somerset Counties, Md., and Accomack and Northampton Counties, Va.

No. MC-FC-73548. By order of March 29, 1972, the Motor Carrier Board approved the transfer to Geetings, Inc., Bella, Iowa, of Certificate No. MC-34027 issued February 18, 1955, to Don E. Dykstra, doing business as Dykstra Transfer Co., 615 Oskaloosa Street, Pella, IA, authorizing the transportation of: Window screens, venetian blinds, doors, and materials and supplies therefor, between Pella, Iowa and Des Moines, Iowa.

No. MC-FC-73556. By order of March 29, 1972, the Motor Carrier Board approved the transfer to Mobile Home Movers and Services, Inc., Box 1727 K Star Route A, Anchorage, AK 99507, of the operating rights in Certificates Nos. MC-119558 (Sub-No. 1) and MC-119558 (Sub-No. 3), issued March 17, 1970 and February 11, 1966, respectively, to A. F. Fisher, doing business as Mobile Home Movers, Inc., Box 1727 K Star Route A, Anchorage, AK 99507, authorizing the transportation of mobile homes between points in Alaska, and between points in Alaska, on the one hand, and, on the other, points in Colorado, Idaho, Indiana, Kansas, Montana, Minnesota, Nebraska, Oklahoma, South Dakota, Washington, and Wisconsin.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5432 Filed 4-7-72;8:48 am]

[Notice 42-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73356. By order of March 30, 1972, Division 3 approved the transfer to N.Y., N.J., Conn. Freight & Messenger Corp., Rockaway, N.J., of the operating rights in certificate No. MC-59194 (Sub-No. 6) issue November 30, 1959, to Eastern Freight Ways, Inc., Carlstadt, N.J., authorizing the transportation of general commodities, with usual exceptions, between New Haven, Conn., and New York, N.Y., between Hartford, Conn., and Norwalk and Bridgeport, Conn., and between Hartford, Conn., and New Haven, Conn., over described regular routes, serving named intermediate and off-route points. William D. Traub, 10 East 49th Street, New York, NY 10016, registered practitioner for transferee, and Maxwell A. Howell, 1511 K Street NW., Washington, DC 20005, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5433 Filed 4-7-72;8:48 am]

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