

# federal register

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

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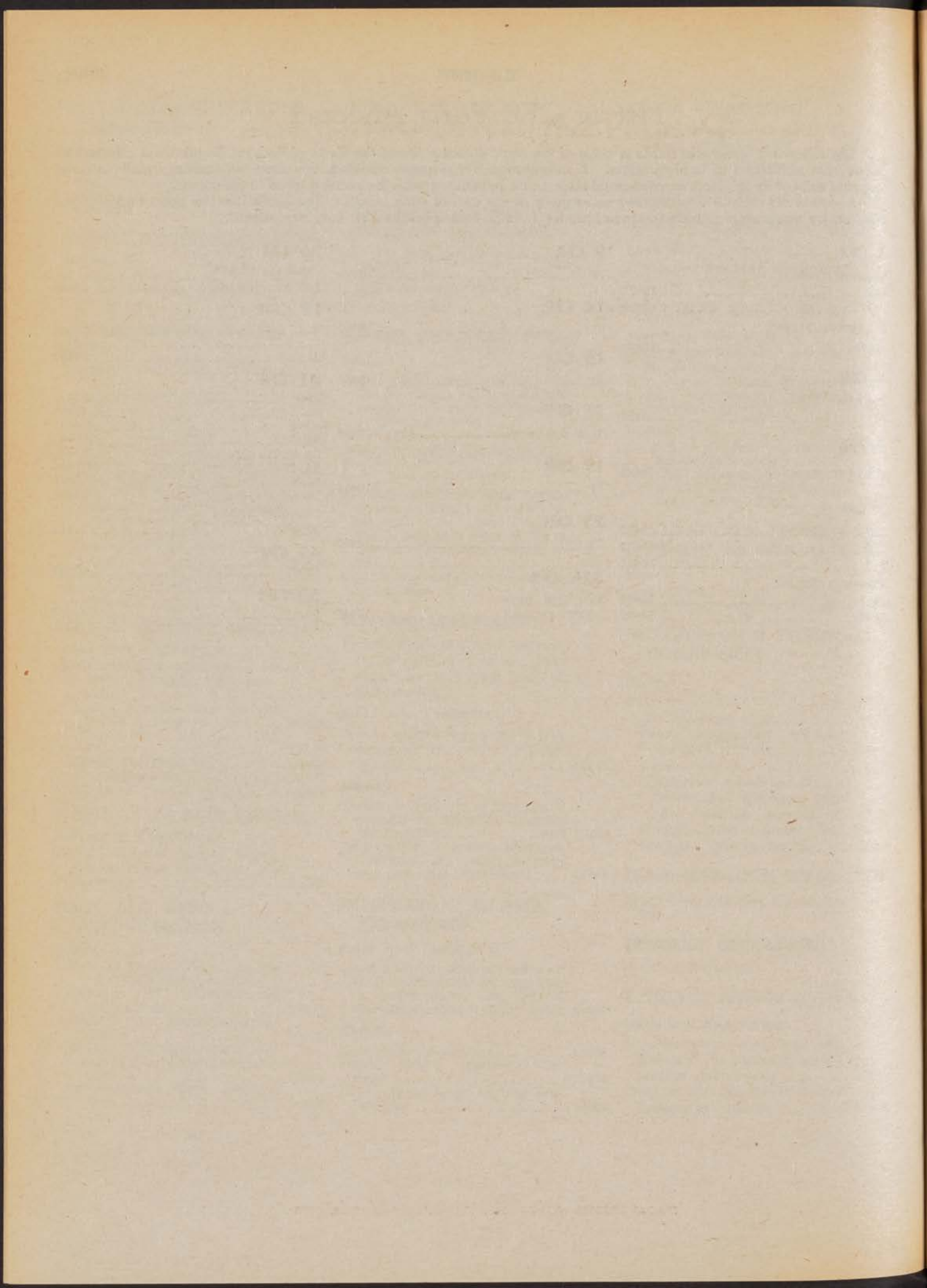
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# Presidential Documents

## Title 3—The President

PROCLAMATION 4136

### Prayer for Peace, Memorial Day, 1972

*By the President of the United States of America*

#### A Proclamation

At the height of the Civil War, the terrible conflict which ultimately claimed more than 200,000 American lives, Abraham Lincoln stood in a battlefield cemetery and asked a high resolve from "us, the living, . . . that these dead shall not have died in vain." They did not die in vain, for their heroism saved the Union; and after the guns fell silent at last, a grateful Nation set aside a Memorial Day in their memory each May.

Yet the price of liberty was still not paid in full. Today, more than a hundred Memorial Days later, America looks back on five more wars and over 400,000 more dead in those wars. Thus, today more than ever, we the living bear the solemn duty of redeeming the sacrifices these brave men made, and of upholding steadfastly in life the cause they served so nobly in death.

We can meet that duty best by raising to the honored legions of the fallen the most fitting memorial of all: a peace so just and secure that American sons need not give their lives again for their country.

Such a peace has been the highest goal of the United States policy for many years. We have pursued peace unremittingly—through conciliation where we could, through strength where we had to, through battle where aggression left us no choice. We shall press on in that pursuit, relying not alone on human ways and means, but also on Him who "maketh wars to cease unto the end of the earth," who in Scripture has commanded us: "Be still, and know that I am God."

In recognition of this deep national reliance upon divine guidance and care, the Congress, by a joint resolution approved May 11, 1950, has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Monday, May 29, 1972, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.



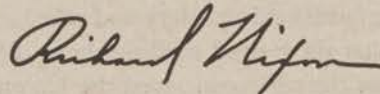
## THE PRESIDENT

I urge the press, radio, television, and all other information media to cooperate in this observance.

As a special mark of respect for those Americans who have given their lives in the war in Vietnam, I direct that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the customary forenoon period, on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

I also request the Governors of the United States and of the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, 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.72-7827 Filed 5-19-72; 2:01 pm]



## PROCLAMATION 4137

## United Nations Day, 1972

*By the President of the United States of America*

## A Proclamation

On October 24, 1972, people around the world will celebrate United Nations Day. It is fitting that people on all parts of our planet should join on this day in honoring an international organization dedicated to the ideals of peace and justice among all nations.

The United Nations has faced great obstacles as it has worked toward the achievement of these goals. Political differences among nations have hindered its progress. Decisions by some members have prevented the United Nations from acting to stop wars. The organization's financial difficulties are also well-known.

Not so well-known, however, are many of the constructive activities of the United Nations which have achieved impressive successes over the years. The United Nations has made significant contributions, for example, by facilitating international transportation and communication, preventing the spread of diseases, and setting standards for social and technical legislation in many countries.

In recent months and years, the United Nations has also helped to establish safeguards to prevent the spread of nuclear weapons, helped to establish the rule of law in outer space and the oceans, provided technical assistance to the developing nations, promoted family planning, and worked to protect the environment. In addition, it has taken important steps to curb the traffic in addictive drugs, to protect diplomats from terrorism and travelers from hijackings, and to protect the rights of refugees and prisoners of war.

Any balance sheet of the performance of the United Nations must take these activities into account. They indicate that the United Nations and its affiliated agencies are working to build the foundations for a better world.

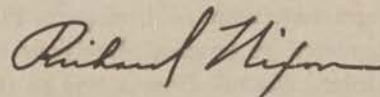
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Tuesday, October 24, 1972, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs which will promote understanding and support for the United Nations and its affiliated agencies.

I have appointed Mr. Robert O. Anderson to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and agencies of



communication—press, radio, television, and motion pictures—to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, 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.72-7828 Filed 5-19-72; 2:01 pm]



## EXECUTIVE ORDER 11670

**Providing for the Return of Certain Lands to the Yakima Indian Reservation**

In 1855, the United States entered into a treaty with the Yakima Tribe of Indians. The treaty created a reservation, generally described by natural landmarks, for the exclusive use and benefit of the Tribe. Over the years, there have been continuing disputes regarding the true location of the reservation boundary.

In 1897, President Cleveland created by proclamation the Mount Rainier Forest Reserve in an area near the western boundary of the Yakima Reservation. In 1908, President Theodore Roosevelt extended the boundary of that Forest to include a tract of some 21,000 acres, then mistakenly thought to be public land. The tract is included within a larger area now called the Gifford Pinchot National Forest. In 1942, a portion of the tract was designated the Mount Adams Wild Area, and this portion has been administered since 1964 for the public benefit under the Wilderness Act.

In 1966, the Indian Claims Commission found that this tract had originally been intended for inclusion in the Yakima Reservation. However, the Commission does not have authority to return specific property to a claimant; it may only grant money damages. Accordingly, the Tribe sought Executive action for return of its land.

The Attorney General has at my request reviewed the specific history and background of this particular case, including the principles which govern the taking of land by the United States and the question of whether this particular land was so taken. In a recent opinion, the Attorney General has advised me that, in these exceptional and unique circumstances, the land was not taken by the United States within the meaning of the Fifth Amendment and that possession of this particular tract can be restored to the Tribe by Executive action.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly 16 U.S.C. 473, it is ordered as follows:

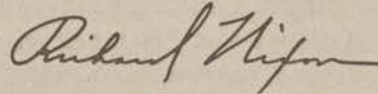
SECTION 1. A portion of the eastern boundary of the Gifford Pinchot National Forest is modified as follows:

Beginning at the point on the main ridge of the Cascade Mountains, where the Yakima Indian Reservation boundary as located by the 1926 Pecore survey from Goat Butte intersects said main ridge; thence southwesterly along the main ridge of the Cascade Mountains to the summit or the pinnacle of Mount Adams, as shown on the diagram of the Rainier National Forest attached to the Presidential proclamation of October 23, 1911, 37 Stat. 1718; thence southerly along a divide between the watersheds of the Klickitat and White Salmon Rivers as shown on the 1932 Calvin Reconnaissance Survey Map (Petitioner's Exhibit No. 4, Docket No. 47, Indian Claims Commission) to its intersection with the north line of Section 34, Township 7 North, Range 11 East, Willamette Meridian.

## THE PRESIDENT

SEC. 2. The Secretary of the Interior is directed to assume jurisdiction over the tract of land heretofore administered as a portion of the Gifford Pinchot National Forest and excluded from the Forest by Section 1 of this order, and to administer it for the use and benefit of the Yakima Tribe of Indians as a portion of the reservation created by the Treaty of 1855, 12 Stat. 951.

SEC. 3. Any prior order or proclamation relating to the tract of land affected by this order, to the extent inconsistent with this order, is hereby superseded.



THE WHITE HOUSE,  
May 20, 1972.

[FR Doc. 72-7915 Filed 5-22-72; 11:10 am]

NOTE: For the text of a Presidential statement dated May 20, 1972, and issued in connection with E.O. 11670, above, see Weekly Comp. of Pres. Docs., Vol. 8, No. 21, issue of May 22, 1972.



# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Treasury Department

Section 213.3305 is amended to show that the position of Confidential Secretary to the Director of the Mint is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5-23-72), subparagraph (3) is added to paragraph (f) of § 213.3305 as set out below.

#### § 213.3305 Treasury Department.

(f) Bureau of the Mint. \* \* \*

(3) One Confidential Secretary to the Director of the Mint.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc.72-7784 Filed 5-22-72; 8:51 am]

#### PART 213—EXCEPTED SERVICE

##### Department of Transportation

Section 213.3394 is amended to show that one position of Secretary to the Deputy Administrator, Federal Railroad Administration, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5-23-72), subparagraph (6) is added to paragraph (e) of § 213.3394 as set out below.

#### § 213.3394 Department of Transportation.

(e) Federal Railroad Administration. \* \* \*

(6) One Secretary to the Deputy Administrator.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc.72-7783 Filed 5-22-72; 8:51 am]

## Title 7—AGRICULTURE

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

[Navel Orange Reg. 268, 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.

(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 parts of California.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 907.568 (Navel Orange Regulation 268, 37 F.R. 9459) during the period May 12, 1972, through May 18, 1972, are hereby fixed as follows:

#### § 907.568 Navel Orange Regulation 268.

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

(i) District 1: 972,000 cartons;

(ii) District 2: 228,000 cartons.

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

Dated: May 18, 1972.

ARTHUR E. BROWNE,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-7760 Filed 5-22-72; 8:47 am]

[Lemon Reg. 533, Amdt. 1]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

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

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

(b) Order, as amended. The provision in paragraph (b) (1) of § 910.833 (Lemon Regulation 533, 37 F.R. 9616) referring to the number of cartons during the period May 14, 1972, through May 20, 1972, is hereby amended to read as follows:

#### § 910.833 Lemon Regulation 533.

(b) Order. (1) \* \* \* 290,000 cartons.

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

Dated: May 18, 1972.

ARTHUR E. BROWNE,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-7759 Filed 5-22-72; 8:47 am]

[Peach Reg. 1]

#### PART 918—FRESH PEACHES GROWN IN GEORGIA

##### Limitation of Shipments

On May 12, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 9564) regarding



a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia. This notice allowed interested persons 5 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Industry Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about May 24, 1972. The grade and size requirements provided herein are designed to prevent the handling, on and after May 24, 1972, of any peaches, except peaches in bulk to destinations in adjacent markets, which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to producers pursuant to the declared policy of the act. The exception of peaches in bulk, shipped to destinations in adjacent markets, from grade and size requirements follows the custom and pattern of prior years and is designed to permit distribution to those markets of peaches of suitable grade, size, and quality without requiring inspection thereof, as contemplated by the provisions of said marketing agreement and order providing for such exceptions.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Industry Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (37 F.R. 9564), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such peaches are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act.

#### § 918.314 Peach Regulation 1.

**Order.** (a) During the period May 24, 1972, through August 31, 1972, no handler shall ship, except peaches in bulk to destinations in the adjacent markets:

(1) Any peaches which do not grade at least 85 percent U.S. No. 1 quality: *Provided*, That peaches with well healed hail marks, split pits that are not scored as serious damage, and not more than 1 percent decay may be shipped if they otherwise meet the requirements of this subparagraph.

(2) Any peaches which are smaller than 1 7/8 inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1 7/8 inches in diameter.

(b) The inspection requirement contained in § 918.64 shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets during the period specified in paragraph (a) of this section.

(c) The maturity regulations contained in § 918.400 are hereby suspended with respect to shipment of peaches to destinations other than in the adjacent markets during the period specified in paragraph (a) of this section.

(d) When used herein the terms "handlers," and "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised U.S. Standards for Peaches (§§ 51.1210-51.1223 of this title).

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

Dated: May 19, 1972.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc.72-7846 Filed 5-22-72; 8:53 am]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

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

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

#### PART 73—SCABIES IN CATTLE

##### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f),

Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (b) is amended to read:

#### § 73.1a Notice of quarantine.

(b) Notice is hereby given that cattle in certain portions of the State of Oklahoma are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following areas in such State are hereby quarantined because of said disease:

- (1) Beaver County.
- (2) Beckham County.
- (3) Cimarron County.
- (4) Greer County.
- (5) Harmon County.
- (6) Jackson County.
- (7) Texas County.
- (8) Tillman County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendment releases Custer, Dewey, Ellis, Harper, Kiowa, Roger Mills, Washita, and Woodward Counties in Oklahoma from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from or through quarantined areas contained in 9 CFR Part 73, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 apply to the excluded areas.

Insofar as the amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of cattle scabies, it should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of May 1972.

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

[FR Doc.72-7791 Filed 5-22-72; 8:51 am]



# Title 14—AERONAUTICS AND SPACE

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

[Docket No. 11348, Amtd. 91-99]

### PART 91—GENERAL OPERATING AND FLIGHT RULES

#### Special VFR Weather Minimums

The purpose of this amendment of Part 91 of the Federal Aviation Regulations is to limit the use of Special VFR by pilots of fixed-wing aircraft to daylight hours except where the pilot is instrument rated and currently qualified and his aircraft is equipped for IFR flight. The amendment was proposed in notice No. 71-23, published in the FEDERAL REGISTER on August 27, 1971 (36 F.R. 17052).

A total of 241 comments were received in response to the notice from private individuals, aviation user groups and associations, governmental bodies and the military services.

Many comments supported the proposal. Of the comments opposed to the proposal, some 48 individuals appeared to be responsive to an article in an aviation magazine which assumed that the proposal meant that all night Special VFR operations would be conducted as IFR operations, thereby overloading the IFR system and causing unnecessary delays to pilots. This assumption is erroneous. The amendment does not eliminate night Special VFR operation. It merely requires IFR capability of the pilot and aircraft conducting those operations. Thus it does not create any additional impact upon the IFR system.

The comments of other individuals opposed to the proposal were generally to the effect that Special VFR is intended for those not IFR qualified; that the advantages of Special VFR far outweigh any abuse or misuse of the procedures; that further restriction of Special VFR will not compensate for errors in planning, judgment, or training; that pilots operating VFR in smoggy areas will be seriously affected by restricting Special VFR operations for noninstrument qualified pilots and aircraft to daytime only; that if a pilot is caught in poor weather, he should have access to airports with the best navigational aids and these are generally located in control zones.

While the FAA recognizes the concern of these commentators, it cannot agree that the points raised override the safety considerations spelled out in the notice. In fact, many of the points raised by the commentators only underscore the hazards inherent in night Special VFR operations by pilots and aircraft incapable of IFR flight. In an emergency, of course, any airport or facility in the system would be available to the pilot.

Of the seven General Aviation Associations commenting on the proposal, six concurred with it. One commentator opposed the proposed change stating that such a change would seriously hamper

Alaskan operations because of conditions peculiar to that region, such as long distances between airports and very short days in winter. The FAA agrees that the unique Alaskan day-night situation requires accommodation and the rule reflects this.

A substantial number of business and corporate commentators supported the proposal.

Other user groups commenting in support of the proposal represented airline pilots, air carrier operators, and military aviation users. Two State aviation commissions concurred and a third partially supported the proposal. One commentator endorsed the proposal but urged, as did a large number of other commentators, that the restriction be extended to daytime Special VFR operations as well. This comment also suggested that consideration be given to employing minimum ceiling values in establishing Special VFR criteria.

In consideration of the foregoing and for the reasons stated in Notice No. 71-23, § 91.107 of the Federal Aviation Regulations is amended, effective June 22, 1972, by adding a new paragraph (e) to read as follows:

#### § 91.107 Special VFR weather minimums.

(e) No person may operate an aircraft (other than a helicopter) in a control zone under the special weather minimums of this section, between sunset and sunrise (or in Alaska, when the sun is more than 6 degrees below the horizon) unless:

(1) That person meets the applicable requirements for instrument flight under Part 61 of this chapter; and

(2) The aircraft is equipped as required in § 91.33(d).

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

Issued in Washington, D.C., on May 12, 1972.

J. H. SHAFFER,  
Administrator.

[FR Doc.72-7755 Filed 5-22-72; 8:49 am]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter I—Bureau of the Census, Department of Commerce

### PART 30—FOREIGN TRADE STATISTICS

#### Extension of Monthly Filing Procedures To Cover Reports of Shipments to Additional Country Groups

The following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11367) (15 CFR Part 30). In accordance with administrative procedure 5 U.S.C. 553, notice and hearing on these amendments and postponement of the effective

date thereof are unnecessary because the amendment (1) is a change in the substantive rules which grants or recognizes exemptions or relieves restrictions, or (2) is an interpretive rule and statement of policy.

These regulations are issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-4A, January 1, 1972, 37 F.R. 3461.

**Effective date.** This amendment to the Foreign Trade Statistics Regulations is effective on the date of publication in the FEDERAL REGISTER (5-23-72).

1. The introductory text of § 30.39(b) is amended to read as follows:

§ 30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.

(b) In addition to the procedures authorized in paragraph (a) of this section, the Bureau of the Census, with the concurrence of the Office of Export Control, may, on an individual case basis, authorize exemption from the requirement of § 30.6 that an export declaration be filed for each shipment, the exemption to be conditioned upon the filing, after the close of each month, of a single export declaration or other statistical report, in an approved format including punch cards, computer tapes, etc., covering shipments made during the month to all destinations except countries in country groups S and Z, as defined in the Export Control Regulations of the Office of Export Control (Parts 368-399 of this title),<sup>a</sup> as follows:

#### §§ 30.39, 30.55 [Amended]

2. Footnote 9, to §§ 30.39 and 30.55 of the Foreign Trade Statistics Regulations is amended to read as follows:

<sup>a</sup> Country groups are established and maintained by the Office of Export Control. See Export Control Regulations (Parts 368-399 of this title) for lists of countries included in each country group.

GEORGE H. BROWN,  
Director, Bureau of the Census.

I concur:

EUGENE T. ROSSIDES.

[FR Doc.72-7771 Filed 5-22-72; 8:50 am]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-2194]

### PART 13—PROHIBITED TRADE PRACTICES

#### Alaska Sleeping Bag Co. and Frank R. Davis

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections: 13.15-270 Size



and extent; § 13.70 *Fictitious or misleading guarantees*; § 13.185 *Refunds, repairs, and replacements*; § 13.260 *Terms and conditions*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Alaska Sleeping Bag Co. et al., Beaverton, Oreg., Docket No. C-2194, Apr. 17, 1972]

*In the Matter of Alaska Sleeping Bag Co., a Corporation, and Frank R. Davis Individually and as an Officer of Said Corporation*

Consent order requiring a Beaverton, Oreg., mail-order seller of sporting goods to cease misrepresenting its relative size in the industry and its refund and shipment policies. Respondent is also required to prominently print in its catalogs, for a 2-year period, a disclosure notice and an address to which customers may apply for refunds.

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

*It is ordered*, That respondents Alaska Sleeping Bag Co., a corporation, and its officers, and Frank R. Davis, individually and as chief executive officer of corporate respondent, and respondents' agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of outdoor sporting goods equipment and wearing apparel or any other product by mail order, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting directly or by implication:

(a) Respondents' relative size within the sporting goods or mail-order sporting goods industry;

(b) The conditions under which or period of time within which respondents will refund money to their customers pursuant to any guarantee or warranty;

(c) The period of time within which respondents will ship order or particular items of merchandise.

2. Failing to make an immediate refund to a buyer, voluntarily and without the buyer's prior demand, of all moneys paid for an item of merchandise ordered by mail or telephone when the item has not been shipped;

(a) Within 3 weeks from receipt of payment, or

(b) Within such longer period of time from receipt of payment as is clearly and conspicuously disclosed in respondents' most recent catalog as the estimated time required for shipment of the item;

(c) *Provided*, That this inhibition shall not apply to those situations where respondents have obtained the express written consent of the buyer, separately signed and dated, to a specified delay.

3. Failing to make an immediate refund to a buyer, voluntarily and without the buyer's prior demand, of all

moneys paid for an item of merchandise ordered by mail or telephone when the item has not been shipped within that time expressly agreed to by the buyer, as provided for in inhibition 2(c) herein.

4. For purposes of inhibitions 2 and 3 above, the following definitions shall apply:

"Shipment" shall mean the act whereby respondents or their supplier-agent physically places the merchandise into the possession of the carrier.

Where the buyer originally had the amount charged to his open-end credit account, "refund" shall be construed to mean crediting the buyer's account; where the buyer originally paid by cash, money order, draft, check, or similar means, "refund" shall be construed to mean refund by cash or check or by returning the buyer's original check where it was not previously negotiated.

5. Failing to publish the following statement in all catalogs mailed during the 2-year period immediately following the effective date of this order. The statement shall be prominently placed on the ordering information page and shall be in type not less than 10-point in size. The statement shall not be expanded or elaborated upon, nor used in any other context.

Customers who have not received the ordered merchandise or a refund within 30 days or any longer period of time designated in this catalog may write to:

Post Office Box 12302, Seattle, WA 98111.

*It is further ordered*, That within sixty (60) days from the effective date of this order respondents shall make refunds to all those customers whose orders for merchandise were received prior to the effective date of this order but not shipped prior to the effective date of this order: *Provided*, That this provision shall not apply to customer orders which respondents receive after the effective date of this order. "Shipment" shall mean the act whereby respondents or their supplier-agents physically place the merchandise into the possession of the carrier. "Refund" shall be construed to mean refund by cash or check, regardless of whether the buyer originally paid by cash, money order, draft, or check or whether he had the amount charged to his open-end credit account.

*It is further ordered*, That respondents herein shall notify the Commission at least thirty (30) days prior to any proposed change in their organizational structure, such as dissolution, merger, assignment, or sale resulting in the emergence of a successor, or any other change in the business organization of respondents which may affect compliance obligations arising out of this order.

*It is further ordered*, That respondents herein shall forthwith deliver a copy of this order to cease and desist to all present and future managers or other employees or representatives who engage in the preparation of respondents' catalogs, selection of suppliers or ordering of merchandise from suppliers and shall secure from each such person a

signed statement acknowledging receipt of said order.

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

Issued: April 17, 1972.

By the Commission.

[SEAL]

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 72-7722 Filed 5-22-72; 8:48 am]

[Docket No. C-2196]

## PART 13—PROHIBITED TRADE PRACTICES

*Farland-Buell, Inc., and Adolf Farland*

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*: 13.73-92 Truth in Lending Act; § 13.155 *Prices*: 13.155-95 *Terms and conditions*: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*: 13.1623-95 Truth in Lending Act: Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions*: 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions*: 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Farland-Buell, Inc., et al., Denver, Colo., Docket No. C-2196, Apr. 19, 1972]

*In the Matter of Farland-Buell, Inc., a Corporation, and Adolf Farland, Individually and as an Officer of Said Corporation*

Consent order requiring a Denver, Colo., automobile dealer to cease violating provisions of the Truth in Lending Act by failing to disclose to customers the cash price, payments schedule, annual percentage rate, deferred payment price, and other disclosures required by Regulation Z of the said Act.

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

*It is ordered*, That respondent Farland-Buell, Inc., a corporation, and its officers, and Adolf Farland, individually and as an officer of said corporation, trading under said corporate name or under any trade name or names, their successors, and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the arrangement, extension, or advertisement of consumer credit in connection with the sale of automobiles or



other products or services, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit, which advertisement states the amount of the downpayment required, or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items in the manner and form as required by § 226.10(d) (2) of Regulation Z:

- The cash price;
- The amount of the downpayment required or that no downpayment is required, as applicable;
- The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;
- The amount of the finance charge expressed as an annual percentage rate; and
- The deferred payment price or the sum of the payments, as applicable.

2. Failing, in any consumer credit transaction or advertisement, to make all the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

3. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation, and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

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

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

Issued: April 19, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-7724 Filed 5-22-72; 8:49 am]

[Docket No. C-2193]

### PART 13—PROHIBITED TRADE PRACTICES

#### Gimbel Brothers, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service*: 13.170-40 Fire-extinguishing or fire-resistant. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1885 *Qualities or properties*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 45. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gimbel Brothers, Inc., New York, N.Y., Docket No. C-2193, Apr. 14, 1972]

#### In the Matter of Gimbel Brothers, Inc., a Corporation

Consent order requiring a New York City department store and its six branch stores selling mattress pads, mattress covers, sheets, and pillow cases to cease misrepresenting its products as flame retardant without also attaching to its products labels stating the number of washings or drycleanings the flame retardant will withstand.

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

*It is ordered.* That respondent, Gimbel Brothers, Inc., a corporation, its subsidiary and affiliated corporations, its successors and assigns, its officers, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of mattress covers, mattress pads, sheets, and pillow cases, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that said products are flame retardant, or have been treated with a flame retardant finish, unless all uncovered or exposed parts (except sewing threads), as well as any other parts represented directly or by implication to be flame retardant or as treated with a flame retardant finish, will retard and resist flame, flare and smoldering, or have been treated with a finish which will retard and resist flame, flare and smoldering.

*It is further ordered.* That in all instances where respondent represents said products to be flame retardant or treated with a flame retardant finish, warnings be provided in or on the packaging in immediate conjunction with said representations and in type or lettering of equal size and conspicuousness, and on a label affixed to the said products securely and with sufficient permanency to remain in a conspicuous, clear, and plainly legible condition, of any danger from flammability which may result if these products be dry cleaned or washed by other than the recommended means or in excess of a stated number of times.

*It is further ordered.* That respondent make every reasonable effort to immediately notify in writing all of its customers who have purchased or to whom

have been delivered the mattress pads which gave rise to this complaint to alert them to the fact that only the top and skirt portions have been treated with the flame retardant finish.

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

*It is further ordered.* That respondent deliver a copy of this order to cease and desist to all personnel of respondent responsible for the preparation, creation, production, or publication of advertising, packaging or labeling of all products covered by this order.

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

Issued: April 14, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-7721 Filed 5-22-72; 8:48 am]

[Docket No. C-2195]

### PART 13—PROHIBITED TRADE PRACTICES

#### Jordan Motor Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*: 13.73-92 Truth in Lending Act; § 13.155 *Prices*: 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*: 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions*: 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions*: 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Jordan Motor Co., Inc., et al., Akron, Ohio, Docket No. C-2195, Apr. 18, 1972]

#### In the Matter of Jordan Motor Co., Inc., a Corporation, and Jordan E. Alex, Individually, and as an Officer of Said Corporation and also Trading and Doing Business as American Acceptance Co.

Consent order requiring an Akron, Ohio, new and used car dealer to cease violating the Truth in Lending Act by



failing to disclose to customers the annual percentage rate, the total number of payments, the cash price, the unpaid balance of the cash price, the deferred payment price, and other disclosures required by Regulation Z of the said Act. Respondent is also required to include on the face of its notes a notice that any subsequent holder takes the note with all conditions of the contract evidencing the debt.

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

*It is ordered*, That respondents Jordan Motor Co., Inc., a corporation, and Jordan E. Alex, individually, and as an officer of said corporation, and trading and doing business as American Acceptance Co., and respondents', successors, and assigns, and respondents' officers, agents, representatives, and employees directly or through any corporation, subsidiary, division or other device in connection with any extension or arrangement for the extension of consumer credit or any advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth In Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with the requirements of § 226.5 of Regulation Z, as prescribed by § 226.8(b) (2) of Regulation Z.

2. Failing to disclose the total of payments accurately as required by § 226.8(b) (3) of Regulation Z.

3. Failing to disclose the deferred payment price accurately as required by § 226.8(c) (8) (ii) of Regulation Z.

4. Failing to disclose accurately the unpaid balance of cash price as required by § 226.8(c) (3) of Regulation Z.

5. Failing to make a clear identification of the property to which any security interest relates as required by § 226.8(b) (5) of Regulation Z.

6. Failing to state, in terminology prescribed by § 226.8 of Regulation Z, in any advertisement to aid, promote, or assist directly or indirectly any credit sale involving the extension of credit other than Open End credit which states: the amount of the downpayment required or that no downpayment is required; the amount of any installment payment; the dollar amount of any finance charge; the number of installments or the period of repayment; or that there is no charge for credit, all of the following items as required by § 226.10(d) (2) of Regulation Z:

(a) The cash price or the amount of the loan, as applicable.

(b) The amount of the downpayment required or that no downpayment is required, as applicable.

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(d) The amount of the finance charge expressed as an annual percentage rate.

(e) The deferred payment price or the sum of the payments, as applicable.

7. Failing in the case of any credit transaction in which a security interest is or will be retained or acquired in any real property which is used or is expected to be used as the principal residence of the customer, to give notice to the customer that he has the right to rescind the transaction, in the manner prescribed by § 226.9(b) of Regulation Z, as required by § 226.9(b) of Regulation Z.

8. Failing in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

*It is further ordered*, That respondents cease and desist from: Assigning, selling or otherwise transferring respondents' notes, contracts, or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract, or other documents evidencing the indebtedness.

*It is further ordered*, That the respondents cease and desist from: Failing to include the following statement clearly and conspicuously on the face of any note, contract, or other instrument of indebtedness executed by or on behalf of respondents' customers:

#### NOTICE

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

*It is further ordered*, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

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

Issued: April 18, 1972.

By the Commission.

[SEAL] CHARLES A. TORIN,  
Secretary.

[FR Doc. 72-7723 Filed 5-22-72; 8:49 am]

[Docket No. C-2188]

## PART 13—PROHIBITED TRADE PRACTICES

### World Art Group, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.155 *Prices*; § 13.155-70 *Percentage savings*; § 13.175 *Quality of product or service*; § 13.185 *Refunds, repairs, and replacements*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, World Art Group, Inc., et al., East Norwalk, Conn., Docket No. C-2188, Apr. 11, 1972]

*In the Matter of World Art Group, Inc., Standard American Suppliers, Inc., and Curtis Advertising Co., Inc., Corporations, and Lawrence R. Curtis, Individually and as an Officer of Said Corporations and as Principal and Individual Proprietor Trading and Doing Business Under Various Trade Names and Styles*

Consent order requiring two corporations selling paintings, watches, maps, plates, books, and other articles with headquarters in New York City and East Norwalk, Conn., and their advertising agency to cease failing to ship merchandise within 21 days, failing to make refunds in their money-back guarantees, misrepresenting the savings to purchasers of their merchandise, misrepresenting the karat fineness of their gold watches and the efficacy of their insect controls.

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

*It is ordered*, That respondents, World Art Group, Inc., a corporation; Standard American Suppliers, Inc., a corporation; Curtis Advertising Co., Inc., a corporation; and Lawrence R. Curtis, individually and as an officer of said corporations, or trading under any other name or names, and respondents' agents, representatives, employees, and successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of paintings, watches or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Failing to make shipments of advertised goods or merchandise within 21 days from the date of receipt of any order and payment thereof where no time period for shipment is stated in an advertisement or circular, and when no shipment is made within the designated time period, failing promptly to notify customer of a delay and offer to return the full purchase price thereof to the purchaser within 15 days of the receipt of said request.

2. Failing, when requested, in connection with merchandise advertised with a guarantee of satisfaction or money-back guarantee, to refund the purchase price in full of merchandise within the time specified in respondents' advertisements,



and if no time is specified, within a reasonable time not to exceed 21 days; or failing to make any other refunds to which the purchaser is entitled within 15 days from the date of the receipt of the request for such refund.

3. Representing directly or by implication:

(a) That any amount is respondents' usual and customary retail price of merchandise unless such amount is the price at which the merchandise has been usually and customarily sold at retail by respondents in the recent regular course of business.

(b) That any saving is afforded in the purchase of merchandise from the respondents' retail price unless the price at which the merchandise is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by the respondents in the recent regular course of business.

(c) That any amount of savings is available to purchasers of respondents' advertised goods or merchandise, or the amounts by which the price of merchandise has been reduced either from the price at which it has been usually and customarily sold by respondents in the recent regular course of business or from the price at which it has been usually and customarily sold at retail in the trade area where the representation was made.

4. Using the words:

"Our lowest price ever."  
"Regular value."  
"Originally."  
"Half-price sale."  
"Savings."

Or any other words or terms of similar import in connection with prices of merchandise unless such prices are those at which the merchandise has been sold by respondents in the recent regular course of business or unless such prices are those at which the merchandise has usually and customarily been sold by respondents at retail.

5. Failing to maintain and to furnish when requested full and adequate records which disclose the facts upon which any statement, claim, offer or representation of the types described in paragraphs 3 and 4 above is based for a period of 1 year immediately prior to the publication of any advertisement containing such claims.

6. Representing directly or by implication that:

(a) The products known or described as "Magnificent Antique Beethoven Music Scrolls," "Olde Antique Map Clock," "Decorative Antique Maps," or any other product known or described as "Antique" are antiques, unless such product or article is an antique within the official data or statistics of the U.S. Tariff Act of 1930.

(b) Any product described as a "5 in 1 Fruit Cocktail Tree" or any similar

product which is represented as capable of producing multifruits, can be easily grown, will produce plentiful fruit during the year or from summer to fall, or will grow and survive in any hardiness zone.

(c) Any product represented and/or advertised as a "Swiss Sport and Stop Watch" or by any other name is of 10 karat gold fineness or any karat designation in excess of that which it actually contains or that the watch is guaranteed without specifically disclosing any limitations, qualifications and/or service charges pertaining to said guarantee.

(d) The "Remarkable Lady Bird Beetle" or any similar insect controls, eliminates or rids gardens or farms of destructive insect pests, including Japanese beetles, or constitutes a proven method of biological plant control used by any governmental agency including the U.S. Department of Agriculture.

(e) The Praying Mantis or any similar insect controls, eliminates, or rids gardens of such destructive garden insects as borers, mites, maggots, or Japanese Beetles, or that it is a new method of biological plant control.

It is ordered, That respondents maintain full and adequate records which disclose the facts from which any statement, claim, offer, or representation pertaining to amount of savings, reduction of price, lowest price, half-price sale, or similar representations and claims, is based, for a period of 1 year immediately prior to the publication of any advertisement containing such claims.

It is further ordered, That respondents shall forthwith deliver and distribute a copy of this order to all present and future personnel of respondents concerned with the promotion and sale of merchandise or in any aspect of preparation, creation, or placing of advertising and to all operating divisions, subsidiaries, and affiliates of said corporations.

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

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

Issued: April 11, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-7720 Filed 5-22-72; 8:48 am]

## Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,  
Department of the Treasury

[T.D. 72-135]

### PART 14—APPRAISEMENT

#### Release of Advisory Value Information Prior to Arrival or Shipment of Merchandise

On September 28, 1971, there was published in the FEDERAL REGISTER (36 F.R. 19081), a notice of proposed rule making setting forth a proposed amendment to the Customs Regulations relating to furnishing information as to value. Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed regulations.

After consideration of all representations received in response to the notice, language has been added to the proposed amendment of § 14.4(b), Customs Regulations, which establishes as a condition to furnishing value information, evidence of a firm commitment or intent to import the merchandise for which advisory value information is requested. This standard accomplishes the purpose of the proposed amendment in eliminating the requirement that the goods for which value information is sought already had been exported to the United States, but would avoid frivolous requests for value information.

The proposed amendment, including this change, is adopted as set forth below:

In § 14.4, paragraph (b) is amended to read as follows:

§ 14.4 Furnishing information as to value.

(b) The information shall be given only in regard to merchandise to be appraised by, or under the jurisdiction of, the district director who receives the request, and only with respect to merchandise for which there is presented evidence of a firm commitment or intent to import such merchandise into the United States.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

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

[SEAL] G. R. DICKERSON,  
Acting Commissioner of Customs.

Approved: May 11, 1972.

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[FR Doc.72-7789 Filed 5-22-72; 8:52 am]



## Title 25—INDIANS

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

#### SUBCHAPTER G—TRIBAL GOVERNMENT

#### PART 72—ATTORNEY CONTRACTS WITH INDIAN TRIBES

#### Procedures for Contracting With the Five Civilized Tribes and for Con- tracting With Other Tribes in the Absence of General Councils

Pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, 465, and 2103 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2, 9, 81, and 82a), notice is hereby given that Part 72, Subchapter G, Chapter I, Title 25 of the Code of Federal Regulations is amended by a reference inserted in §§ 72.8 to 72.26, and by addition of § 72.26 under the center heading, "Tribes Not Organized under the Indian Reorganization Act," to permit the person or governing entity officially recognized as having authority to act for such tribes to contract for the services of legal counsel when a general council or tribal meeting is not feasible. Under a new center heading entitled "Five Civilized Tribes," there are added §§ 72.30 through 72.35 containing regulations governing the negotiation, execution, and approval of like contracts by the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes or Nations of Indians which are known as the Five Civilized Tribes.

Since these regulations greatly reduce the difficulty some tribes have had in contracting to obtain legal services, advance notice and public procedure thereon would delay the receipt of such services, possibly to the detriment of the tribe, and have been deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since delay in these regulations becoming effective may cause a hardship to a tribe in need of legal services, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these amendments shall become effective upon the date of publication in the FEDERAL REGISTER (5-23-72).

1. Section 72.8 is revised to read as follows:

#### § 72.8 Selection of counsel.

Except as stated in §§ 72.12-72.15 and 72.26, a tribal attorney or technical specialist and tribal delegates to execute a contract shall be selected by a general council or meeting of the tribe, to be called by the superintendent of the particular reservation.

2. Following § 72.25, there is added a new § 72.26 to read as follows:

#### § 72.26 Governing bodies without express authority to contract.

In the following cases, the entity or spokesman officially recognized as having

authority to act for a tribe may both negotiate and conclude contracts for the services of legal counsel pursuant to applicable provisions of this part:

(a) In the absence of tribal governing documents, or

(b) When such documents do not expressly authorize the governing body of a tribe to conclude such contracts and do not provide for calling a tribal meeting to authorize concluding such contracts pursuant to § 72.8, and convening a tribal general council is not deemed feasible.

3. Following new § 72.26, there is added a new center heading and new §§ 72.30 through 72.35 to read as follows:

#### FIVE CIVILIZED TRIBES

- |       |                                     |
|-------|-------------------------------------|
| Sec.  |                                     |
| 72.30 | Contents and approval of contracts. |
| 72.31 | Negotiation of contract.            |
| 72.32 | Notice from the principal officer.  |
| 72.33 | Notice from attorney.               |
| 72.34 | Tentative form of contract.         |
| 72.35 | Execution in quintuplet.            |

AUTHORITY: Secs. 72.30 through 72.35 issued under R.S. secs. 161, 463, 465 (5 U.S.C. 301; 25 U.S.C. 2, 9, 82a).

#### FIVE CIVILIZED TRIBES

#### § 72.30 Contents and approval of contracts.

All contracts for the services of legal counsel or technical specialists negotiated and executed with the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes or Nations, also known as the Five Civilized Tribes, shall be in strict compliance with the requirements of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81).

#### § 72.31 Negotiation of contract.

That person or governing entity recognized as having authority to act for and in behalf of any one of the Five Civilized Tribes in matters of importance may, when it is found there is a substantial need and demand therefor, negotiate and contract for services of a tribal counsel or counsels and technical specialist or specialists, subject to the approval of the Secretary of the Interior or his authorized representative.

#### § 72.32 Notice from the principal officer.

Notice of intention to negotiate with attorneys or with technical specialists shall be sent by the principal tribal officer to the Superintendent. Such notice shall be accompanied by a full statement concerning the need for retaining counsel or specialists, as the case may be, the purpose for which such assistance is needed and the scope of the intended employment. The notice and statement shall be transmitted to the Area Director by the Superintendent together with the latter's report and recommendations with respect to the approval of such contract.

#### § 72.33 Notice from attorney.

Attorneys desiring to execute contracts with any one of the Five Civilized Tribes shall be required to give written notice to the Area Director through the the Superintendent having jurisdiction over said tribe.

#### § 72.34 Tentative form of contract.

The principal officer of any one of the Choctaw, Cherokee, Creek, Seminole, and Chickasaw Tribes may, if he desires, obtain a tentative form of contract by written application to the office of the appropriate Agency Superintendent. Requests for forms for an attorney contract should include a statement reciting whether the attorney is desired as a general legal counsel in connection with the business of the tribe or as counsel in respect to specific problems on which legal counsel is desired, or specific matters requiring representation in court or before committees of Congress and the Departments of Government. Requests for forms for technical service contracts should include a statement of the particular type of service required and the purpose for which it is needed. The anticipated term of each proposed contract should be stated.

#### § 72.35 Execution in quintuplet.

The contract should be executed in quintuplet, and all copies of it shall be transmitted by the Superintendent to the Area Director.

ROGERS C. B. MORTON,  
Secretary of the Interior.

MAY 17, 1972.

[FR Doc. 72-7742 Filed 5-22-72; 8:49 am]

## Title 32A—NATIONAL DEFENSE, APPENDIX

### Chapter VI—Bureau of Domestic Commerce, Department of Commerce

[DMS Order 4, Rev. Schedule A]

#### DMS ORDER 4—COPPER AND COPPER-BASE ALLOYS

#### Set-Aside Percentages

This amendment of Schedule A to DMS Order 4 (formerly BDSA Order M-11A) is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment changes Schedule A of May 16, 1970, to DMS Order 4 by changing the base period from calendar year 1969 to calendar year 1971, and by changing the set-aside percentages from 6 percent to 2 percent on unalloyed plate, sheet, strip, and rolls; from 5 percent to 9 percent on unalloyed rod, bar, shapes, and wire; from 5 percent to 4 percent on alloyed plate, sheet, strip, and rolls; from 6 percent to 10 percent on alloyed rod, bar, shapes, and wire; from 3 percent to 2 percent on copper wire mill products; and from 4 percent to 3 percent on copper foundry products.

This amendment applies to authorized controlled material orders calling for delivery after June 30, 1972.



(Sec. 704, 64 Stat. 816, 50 U.S.C. App. 2154 as amended)

Schedule A to DMS Order 4 is hereby amended to read as follows:

**SCHEDULE A TO DMS ORDER 4**

**SET-ASIDE PERCENTAGES**

(See sec. 6(f) of DMS Order 4)

Base Period—January–December 1971

(See sec. 2(o) of DMS Order 4)

Product	Percentage for orders calling for delivery after June 30, 1972 <sup>1</sup>
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	2
Rod, bar, shapes, and wire	9
Seamless tube and pipe	2
Alloyed:	
Plate, sheet, strip, and rolls	4
Rod, bar, shapes, and wire	10
Seamless tube and pipe <sup>2</sup>	—
Military ammunition cups <sup>2</sup>	—
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	2
Weatherproof	2
Magnet wire	2
Paper and lead power cable	2
Paper and lead telephone cable	2
Asbestos cable	2
Portable and flexible cord	2
Communications wire and cable	2
Shipboard cable	2
Automotive and aircraft wire and cable	2
Insulated power cable	2
Signal and control cable	2
Coaxial cable	2
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	2
Copper foundry products	3
Unalloyed copper powder mill products <sup>2</sup>	—
Copper-base alloy powder mill products <sup>2</sup>	—

<sup>1</sup> Schedule A revised as of May 16, 1970, to DMS Order 4, as amended Oct. 28, 1966, applies to orders calling for delivery prior to July 1, 1972.

<sup>2</sup> No reserve space required. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of DMS Order 4 does not apply to such authorized controlled material orders.

This revised schedule shall take effect May 15, 1972.

BUREAU OF DOMESTIC

COMMERCE,

HUDSON B. DRAKE,

Director.

[FR Doc.72-7763 Filed 5-22-72;8:48 am]

# **Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF**

## **Chapter I—Veterans Administration**

### **PART 2—DELEGATIONS OF AUTHORITY**

#### **Chief Benefits Director et al.**

1. Section 2.67 is revised to read as follows:

§ 2.67 Chief Benefits Director and supervisory or adjudicative personnel within jurisdiction of Department of Veterans Benefits designated by him authorized to make findings and decisions under applicable laws, regulations, precedents, and instructions, as to entitlement of claimants to benefits under all laws administered by Veterans Administration governing payment of monetary benefits to veterans and their dependents, within jurisdiction of compensation and pension service.

This delegation of authority is identical to § 3.100(a) of this chapter.

2. Sections 2.68a, 2.69, and 2.70 are revised to read as follows:

§ 2.68a Director, Compensation and Pension Service and personnel of that service designated by him authorized to determine whether claimant or payee has forfeited right to gratuitous benefits pursuant to provisions of 38 U.S.C. 3503 or 3504.

This delegation of authority is identical to § 3.100(c) of this chapter.

§ 2.69 Chief Benefits Director or Director, Compensation and Pension Service, upon field station submission, authorized to approve on basis of certain criteria extra-schedular evaluation commensurate with average earning capacity impairment due exclusively to service-connected disability or disabilities in exceptional case where schedular evaluations inadequate.

This delegation of authority is identical to § 3.321(b) of this chapter.

§ 2.70 Chief Benefits Director or Director, Compensation and Pension Service, upon field station submission; the rating board, without field station submission, where regular schedular standards are met as of date of rating decision; or Adjudication Officer, without field station submission; where regular schedular standards are not met but applicant has attained 40 years of age, authorized in certain instances to approve on extra-schedular basis permanent and total disability rating for pension purposes.

This delegation of authority is identical to § 3.321(b) of this chapter.

3. Section 2.76 is revised to read as follows:

§ 2.76 Chief Benefits Director and supervisory or adjudicative personnel within jurisdiction of education and rehabilitation service designated by him authorized to make findings and decisions under 38 U.S.C. Ch. 31 and applicable regulations, precedents and instructions, as to vocational rehabilitation services for disabled veterans.

This delegation of authority is identical to § 21.1 of this chapter.

4. Sections 2.78, 2.79, 2.80, 2.81, and 2.82 are revised to read as follows:

§ 2.78 Except as otherwise provided, Chief Benefits Director and supervisory or adjudicative personnel within jurisdiction of education and rehabilitation service designated by him delegated authority to make findings and decisions under 38 U.S.C. Chs. 34, 35, and 36 and applicable regulations, precedents and instructions, as to programs of education or special restorative training.

This delegation of authority is identical to § 21.4001(a) of this chapter.

§ 2.79 Chief Benefits Director and the Director, Education and Rehabilitation Service are delegated authority to enter into agreements for reimbursement of State approving agencies under § 21.4153 of this chapter.

This delegation of authority is identical to § 21.4001(b) of this chapter.

§ 2.80 Director, Education and Rehabilitation Service is delegated authority to waive penalties for conflicting interests under § 21.4005 of this chapter.

This delegation of authority is identical to § 21.4001(c) (1) of this chapter.

§ 2.81 Director, Education and Rehabilitation Service is delegated authority to exercise the functions otherwise required of State approving agencies, under § 21.4150(c) of this chapter.

This delegation of authority is identical to § 21.4001(c) (2) of this chapter.

§ 2.82 Director, Education and Rehabilitation Service is delegated authority to approve courses under § 21.4250 (c) of this chapter.

This delegation of authority is identical to § 21.4001(c) (3) of this chapter.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,  
Deputy Administrator.

[FR Doc.72-7781 Filed 5-22-72;8:50 am]

## **PART 3—ADJUDICATION**

### **PART 21—VOCATIONAL REHABILITATION AND EDUCATION**

#### **Miscellaneous Amendments**

Compliance with the provisions of § 1.12, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose because



the amendments only reflect organizational changes.

Chapter I is amended as follows:

1. In § 3.100, paragraphs (a) and (c) are amended to read as follows:

**§ 3.100 Delegations of authority.**

(a) Authority is delegated to the Chief Benefits Director and to supervisory or adjudicative personnel within the jurisdiction of the Department of Veterans Benefits designated by him to make findings and decisions under the applicable laws, regulations, precedents, and instructions, as to entitlement of claimants to benefits under all laws administered by the Veterans Administration governing the payment of monetary benefits to veterans and their dependents, within the jurisdiction of Compensation and Pension Service.

(c) Authority is delegated to the Director, Compensation and Pension Service, and to personnel of that service designated by him to determine whether a claimant or payee has forfeited the right to gratuitous benefits pursuant to the provisions of 38 U.S.C. 3503 or 3504. See § 3.905 (38 U.S.C. 212(a)).

2. In § 3.321(b), subparagraphs (1) and (2) are amended to read as follows:

**§ 3.321 General rating considerations.**

(b) *Exceptional cases*—(1) *Compensation*. Ratings shall be based as far as practicable, upon the average impairments of earning capacity with the additional proviso that the Administrator shall from time to time readjust this schedule of ratings in accordance with experience. To accord justice, therefore, to the exceptional case where the scheduled evaluations are found to be inadequate, the Chief Benefits Director or the Director, Compensation and Pension Service, upon field station submission, is authorized to approve on the basis of the criteria set forth in this paragraph an extra-schedular evaluation commensurate with the average earning capacity impairment due exclusively to the service-connected disability or disabilities. The governing norm in these exceptional cases is: A finding that the case presents such an exceptional or unusual disability picture with such related factors as marked interference with employment or frequent periods of hospitalization as to render impractical the application of the regular schedular standards.

(2) *Pension*. Where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unemployable by reason of his disability(s), age, occupational background and other related factors, the following are authorized to approve on an extraschedular basis a permanent and total disability rating for pension purposes: The Chief Benefits Director or the Director, Compensation and Pension Service, upon field station submission; the rating

board, without field station submission, where regular schedular standards are met as of the date of rating decision; or the Adjudication Officer, without field station submission, where the regular schedular standards are not met but the applicant has attained 40 years of age.

3. In § 3.905, paragraph (a) is amended to read as follows:

**§ 3.905 Declaration of forfeiture.**

(a) *Jurisdiction*. At the regional office level, the Chief Attorney is authorized to determine whether the evidence warrants formal consideration as to forfeiture. Submissions may also be made by the director of a service, the Chairman, Board of Veterans Appeals, and the General Counsel. Jurisdiction to determine whether the claimant or payee has forfeited the right to gratuitous benefits is vested in the Director, Compensation and Pension Service, and personnel to whom authority has been delegated under the provisions of § 3.100(c).

4. Section 21.1 is revised to read as follows:

**§ 21.1 Delegations of authority.**

Authority is delegated to the Chief Benefits Director, and supervisory or adjudicative personnel within the jurisdiction of the Education and Rehabilitation Service designated by him to make findings and decisions under 38 U.S.C. ch. 31 and the applicable regulations, precedents and instructions, as to vocational rehabilitation services for disabled veterans.

5. In § 21.4001, paragraphs (a), (b), and (c) are amended to read as follows:

**§ 21.4001 Delegations of authority.**

(a) Except as otherwise provided, authority is delegated to the Chief Benefits Director and to supervisory or adjudicative personnel within the jurisdiction of the Education and Rehabilitation Service designated by him to make findings and decisions under 38 U.S.C. chs. 34, 35, and 36 and the applicable regulations, precedents and instructions, as to programs of education or special restorative training.

(b) Authority is delegated to the Chief Benefits Director and the Director, Education and Rehabilitation Service to enter into agreements for reimbursement of State approving agencies under § 21.4135.

(c) Authority is delegated to the Director, Education and Rehabilitation Service, to exercise the functions required of the Administrator for:

(1) Waiver of penalties for conflicting interests under § 21.4005;

(2) Actions otherwise required of State approving agencies, under § 21.4150(c);

(3) Approval of courses under § 21.4250(c).

6. In § 21.4005(c), subparagraph (1) is amended to read as follows:

**§ 21.4005 Conflicting interests.**

(c) *Authority*. (1) Authority is delegated to the Director, Education and Re-

habilitation Service, and to the field station head in cases of Veterans Administration employees under his jurisdiction, to waive the application of paragraph (a)(1) of this section in the case of any Veterans Administration employee who meets the criteria of paragraph (b) of this section and to deny requests for waiver which do not meet such criteria. If the circumstances warrant, the request may be submitted to the Administrator for decision.

7. In § 21.4153, paragraphs (b), (c)(2), and (f) are amended to read as follows:

**§ 21.4153 Reimbursement of expenses.**

(b) *Reimbursement*. The Chief Benefits Director and the Director, Education and Rehabilitation Service are authorized to enter into agreements for reimbursement to the extent necessary to fulfill the purpose of paragraph (a) of this section. See § 21.4001(b).

(c) *Reimbursable expenses*.

(2) *Travel*. Travel expenses for which reimbursement may be authorized under contract will be determined on the basis of expenses allowable under applicable State laws or travel regulations of the State or agency and will be for travel actually performed by employees specified under the terms of the contract. Reimbursement for travel will be provided only to cover actual expenses for transportation, meals, lodging, and local telephone calls, or the regular per diem allowance in lieu thereof. In claiming reimbursement for travel authorized under the terms of a contract, all claims must be supported by factual vouchers and all transportation allowances must be supported by detailed claims which can be checked against work assignments in the office of the State approving agency. Reimbursement will be made for expenses of attending out-of-State meetings and conferences only where the travel is performed upon prior approval and at the request of the Director, Education and Rehabilitation Service.

(f) *Contract compliance*. Reimbursement under each contract or agreement will be conditioned upon compliance with the standards and provisions of the contract and the law. If it is determined that the State has failed to comply with the standards and provisions of the law and with the terms of the reimbursement contract, the station head will withhold reimbursement for claimed expenses under the contract. In any instance in which the State takes exception to the field station action, the matter will be referred to the Director, Education and Rehabilitation Service, for review.

(38 U.S.C. 1774)

8. In § 21.4208, paragraphs (a) and (b) are amended to read as follows:

**§ 21.4208 Central Office Education and Training Review Panel.**

(a) *Purpose*. The panel will receive evidence and hear the testimony of witnesses and the arguments of interested parties regarding matters considered by



the field station Committee on Educational Allowances and make recommendations to the Director, Education and Rehabilitation Service, in connection with such matters which are before him for final administrative determination under § 21.4202 or § 21.4207.

(b) *Composition of panel.* The panel will consist of one staff employee from the office of the Director of Education and Rehabilitation Service, and two persons who are not employees of the Veterans Administration chosen from a group of consultants selected for that purpose.

9. In § 21.4250(c), the introductory portion preceding subparagraph (1) is amended to read as follows:

§ 21.4250 Approval of courses.

(c) *Veterans Administration approval.* The Director, Education and Rehabilitation Service, may approve:

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

These VA Regulations are effective May 1, 1972.

Approved: May 17, 1972.

By direction of the Administrator.

FRED B. RHODES,  
Deputy Administrator.

[FR Doc.72-7779 Filed 5-22-72;8:50 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 3—Department of Health, Education, and Welfare

#### PART 3-16—PROCUREMENT FORMS

##### Negotiated Cost-Plus-Fixed-Fee Contract

Subpart 3-16 of Title 41 of the Code of Federal Regulations is amended to correct certain typographical errors in HEW Form 316 in connection with Clauses 8 and 23; to clarify the provisions thereof; and, in connection with Clause 25, to incorporate by reference for purposes of clarity the provisions of § 1-12.102-5 of this title with reference to authorized overtime.

Inasmuch as these amendments make no substantive changes but are intended only for purposes of clarification, the Department of Health, Education, and Welfare has determined that notice and public procedure thereon are unnecessary.

Accordingly, these amendments are effective when published in the FEDERAL REGISTER (5-23-72).

Dated: May 16, 1972.

N. B. HOUSTON,  
Deputy Assistant Secretary  
for Administration.

Title 41 of the Code of Federal Regulations is amended by the following amendments to § 3-16.950-316:

1. Clause 6, paragraph (d), of Form HEW-316 is amended to read as follows:

#### 6. PAYMENTS

(d) *Completion voucher.* On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and provisions of (a) below) the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee which has been withheld pursuant to (b) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 6 months (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

2. Clause 8, paragraph (b), of Form HEW 316 is amended to read as follows:

#### 8. EXAMINATION OF RECORDS

(b) The Contractor agrees that the Comptroller General of the United States and the Secretary, or any of their duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of this title, whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

3. Clause 23 of the Form HEW-316 is amended to read as follows:

#### 23. LITIGATION AND CLAIMS

The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which is allowable under the clause entitled, "Allowable Cost and Fixed Fee." Except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of, any action. If the settlement or defense of an action or claim is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good

faith. The Government shall not be liable for the expense or for any costs resulting from the loss thereof of defending any action to the extent that the Contractor would have been compensated by insurance which was required by law or regulation or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence. In any event, unless otherwise expressly provided in this contract, the Contractor shall not be reimbursed or indemnified by the Government for any liability, loss, cost, or expense, which the Contractor may incur or be subject to by reason of any loss, injury, or damage to the person or to real or personal property of any third parties as may accrue during or arise from the performance of this contract.

4. Clause 25 of Form HEW-316 is amended to read as follows:

#### 25. OVERTIME

Except as authorized in section 1-12.102-5 of the Federal Procurement Regulations as in effect on the effective date of this contract or otherwise provided in this contract, the Contractor shall not perform overtime work under or in connection with this contract for which premium compensation is required to be paid, without specific written approval from the Contracting Officer.

[FR Doc.72-7770 Filed 5-22-72;8:50 am]

## Chapter 5A—Federal Supply Service, General Services Administration MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

### PART 5A-1—GENERAL

#### Subpart 5A-1.3—General Policies

Section 5A-1.311 is amended as follows:

§ 5A-1.311 Priorities, allocations, and allotments.

(a) \* \* \*

PRIORITIES, ALLOCATIONS, AND CONTROLLED MATERIALS

(a) If this contract or any delivery order thereunder is rated and certified for national defense use (see Block 3 on the face of Standard Form 33), the Contractor shall follow the provisions of DPS Regulation 1 (formerly BDSA Regulation 2) and/or DMS Regulation 1 in obtaining controlled materials and other products and materials needed to fulfill the requirements of this contract.

(b) The Contractor shall fill unrated delivery orders in the same sequence in which they are received or as otherwise directed by the Contracting Officer.

\* \* \*

### PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

#### Subpart 5A-2.2—Solicitation of Bids

1. Section 5A-2.201 is amended as follows:

§ 5A-2.201 Preparation of invitation for bids.

\* \* \*

(b) \* \* \*

(2) *Special notices to bidders*—(1) *Set-asides.* If applicable, enter a state-



ment concerning set-asides for small business concerns (see § 5-1.706-1) or labor surplus area concerns (see § 5A-1.804-2).

(ii) *Listing of employment openings.* See § 1-2.201(a) (30).

(iii) *Notice of maximum permissible escalation in wage and price standards.* See FPR Temporary Regulation No. 24.

2. Section 5A-2.201-70 is amended as follows:

**§ 5A-2.201-70 Forms to be used.**

(e) \* \* \*

(1) GSA Form 1424, GSA Supplemental Provisions, March 1972 edition, shall be incorporated by reference in each solicitation for offers, except solicitations for offers under the AID buying program, by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, March 1972 edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.

3. Section 5A-2.201-73 is amended as follows:

**§ 5A-2.201-73 "All or None" bids.**

(d) The following clause (included in GSA Form 1424) shall be included in solicitations where such an "all or none" bids method is to be used as a basis for bid evaluation. See §§ 1-2.404-5 and 5-2.407-50 for additional instructions concerning "all or none" bids.

**"ALL OR NONE" Bids**

(a) (Applicable to definite quantity contracts) A bid submitted on an "all or none" or similar basis will be evaluated as follows: The lowest acceptable bid exclusive of the "all or none" bid will be selected with respect to each item (or group of items when the solicitation provides for aggregate awards) and the total cost of all items thus determined shall be compared with the total of the lowest acceptable "all or none" bid. Award will be made so as to result in the lowest total cost to the Government.

(b) (Applicable only to requirements and indefinite quantity contracts) A bid submitted on an "all or none" or similar basis will not be considered unless the bid is low on each item to which the "all or none" bid is made applicable. The term "item" as used in this clause refers only to items which, under the terms of the solicitation, may be independently awarded, and does not include any group of items on which an award is to be made in the aggregate.

**PART 5A-7—CONTRACT CLAUSES**

**Subpart 5A-7.1—Fixed-Price Supply Contracts**

1. Section 5A-7.101-75 is amended as follows:

**§ 5A-7.101-75 Marking provisions.**

The following clause (included in GSA Form 1424) shall be included in all solicitations:

**MARKING PROVISIONS**

(a) *Deliveries to civilian agencies.* Unless otherwise specified, unit, intermediate and exterior container markings shall be in accordance with Interim Federal Standard No. 00123B, and the commodity specification for the item. Special marking, if any, shall be as otherwise provided in the contract or as stated in purchase orders issued under the contract, all within the scope of the applicable provisions of Interim Federal Standard No. 00123B. GSA Form 1400, Guide for Marking Shipments, illustrates the principal marking requirements of Interim Federal Standard No. 00123B. Copies of GSA Form 1400 and Interim Federal Standard No. 00123B may be obtained from the office issuing the invitation or as indicated in the provision entitled "Copies of Specifications and Federal Standards."

2. Section 5A-7.101-76 is amended as follows:

**§ 5A-7.101-76 Preservation, packaging, and packing.**

The following clause (included in GSA Form 1424) shall be included in all solicitations:

3. Section 5A-7.101-84 is amended as follows:

**§ 5A-7.101-84 Deliveries beyond the contractual period—placing of orders.**

The following clause (included in GSA Form 1424) shall be inserted in all solicitations covering requirements and indefinite quantity contracts:

**DELIVERIES BEYOND THE CONTRACTUAL PERIOD—PLACING OF ORDERS**

(Applicable to requirements and indefinite quantity contracts only except those containing provisions for standby stock.)

4. Section 5A-7.170-14 is amended as follows:

**§ 5A-7.170-14 Federal Hazardous Substances Labeling Act.**

**FEDERAL HAZARDOUS SUBSTANCES LABELING ACT**

Packaged items to be delivered under this contract which are of a hazardous substance and ordinarily are intended or considered to be for use as a household item, are subject to the Federal Hazardous Substances Labeling Act, as amended (15 U.S.C. 1261-1274) and Interim Federal Standard No. 00123B, Marking for Domestic Shipment.

**PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE**

**Subpart 5A-72.1—Procurement of Stores Stock Items**

Section 5A-72.105-18 is amended as follows:

**§ 5A-72.105-18 Packing requirements.**

**NONSTANDARD PACK ITEMS**

(a) \* \* \*

(b) Improperly packaged and packed material—In the event any shipment is not

packaged and packed in accordance with the contract requirements, the Government shall have the right, without prior notice to the Contractor, notwithstanding Article 5 to Standard Form 32, to (i) reject the shipment; or (ii) perform the required repackaging/repacking by use of Government personnel and charge the Contractor therefor at a rate of \$11 per man-hour for the first or fractional hour and \$6 for any succeeding or fractional hour; or (iii) have the repackaging/repacking performed by an independent Contractor and charge the Contractor therefor at the above rates. In connection with any prompt payment discount offered, time will be computed from the date of completion of such repackaging/repacking service.

**PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM**

**Subpart 5A-73.1—Production and Maintenance**

Section 5A-73.118 is amended as follows:

**§ 5A-73.118 Contractor's report of orders received.**

The following clause (included in GSA Form 1424) shall be included in all invitations for bids on Federal Supply Schedule items. The clause requires contractors to submit monthly reports of all orders placed against Schedule contracts by Government activities, authorized cost-reimbursement-type contractors, or grantees. Any exception to this requirement must be approved in advance by the Assistant Commissioner for Procurement.

**REPORT OF ORDERS RECEIVED**

(Applicable to (1) all Federal Supply Schedule contracts, and (2) other contracts where expressly made applicable by the solicitation.)

Contractors shall furnish, on or before the 15th day of each month, a report of all orders (from Government agencies, Government Contractors and grantees) received during the preceding month, by dollar value, on each item or sub item upon which an award is received. Negative reports are required for each month in which no orders are received. The report shall be made on GSA Form 72, Contractor's Report of Orders Received, and forwarded to the General Services Administration at the address overprinted on the form. The right is specifically reserved to the Government to inspect without further notice such records of the Contractor as pertain to sales under any contract resulting from this invitation. Failure or refusal to furnish the required reports, or falsification thereof, shall constitute sufficient cause for terminating the contract for default in accordance with the provisions of Article 11 of Standard Form 32.

NOTE: Revised GSA Form 1424, March 1972, GSA Supplemental Provisions, illustrated in § 5A-16.950-1424, is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))



**Effective date.** These regulations are effective 45 days from the date shown below but may be observed earlier.

Dated: May 11, 1972.

M. S. MEEKER,  
Commissioner,  
Federal Supply Service.

[FR Doc. 72-7777 Filed 5-22-72; 8:50 am]

## Chapter 14—Department of the Interior

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

MAY 15, 1972.

On March 28, 1972, this Part 14-4 was published in the FEDERAL REGISTER (37 F.R. 6320) as a proposed amendment to the Interior Procurement Regulations. Thirty days were given for public comments. No comments were received. Therefore, this Part 14-4—Special Types and Methods of Procurement is adopted as it was proposed, with one minor addition which is not considered to be of such public interest as to warrant solicitation of public comments.

The following sentence is added at the end of § 14-4.5101-3(c): "The submitter shall be given a specified time, as appropriate, within which the proposal must be returned."

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

CHARLES G. EMLEY, Jr.,  
Deputy Assistant Secretary  
of the Interior.

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

- Sec. 14-4.5101 Unsolicited proposals.
- 14-4.5101-1 Policy.
- 14-4.5101-2 Definitions.
- 14-4.5101-3 General provisions.

**AUTHORITY:** The provisions of this Part 14-4 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

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

- § 14-4.5101 Unsolicited proposals.
- § 14-4.5101-1 Policy.

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

#### § 14-4.5101-2 Definitions.

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

(b) **Development.** Includes all effort directed toward solution of specific problems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

[FR Doc.72-7731 Filed 5-22-72;8:45 am]

## Chapter 14H—Bureau of Indian Affairs, Department of the Interior PART 14H-1—GENERAL

### Designation of Contracting Officer Positions

MAY 10, 1972.

Chapter 14H of Title 41 of the Code of Federal Regulations was published beginning on page 13659 of the August 26, 1969, FEDERAL REGISTER (34 F.R. 13659). Chapter 14H contains the Bureau of Indian Affairs' Procurement Regulations (BIAPR). Section 14H-1.451-2 of Chapter 14H was subsequently amended on page 12619 of the July 2, 1971, FEDERAL REGISTER (36 F.R. 12619); page 14267 of the August 3, 1971, FEDERAL REGISTER (36 F.R. 14267); and on page 23865 of the December 16, 1971, FEDERAL REGISTER (36 F.R. 23865).

Pursuant to the authority contained in the Act of November 2, 1921, Ch. 115, 42 Stat. 208 (25 U.S.C. 13) and 41 CFR 14-1.008, § 14H-1.451-2(a) (1) of 41 CFR 14H is being amended to add the Commissioner and the Property and Supply Officer in Washington, D.C., as a contracting officer position. The positions of Deputy Director of Administrative Serv-

ices and Engineering Contract Adviser are no longer Bureau positions and are deleted from § 14H-1.451-2(a) (1). The Albuquerque Property and Supply Office is now a part of the Field Support Services Office in Albuquerque.

Since this amendment involves internal Bureau procedures, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (b) (B) of 5 U.S.C. 553 (1970).

Since delay in the amendment becoming effective could delay the internal processing of contracts in the Bureau with resultant delay in providing services to Indian people, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d) (3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (5-23-72).

As amended, § 14H-1.451-2(a) (1) of 41 CFR Part 14H-1 reads as follows:

#### § 14H-1.451-2 Designation of contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions:

- (1) Headquarters Office Officials:
  - (i) Commissioner.
  - (ii) Deputy Commissioner.
  - (iii) Director of Administrative Services.
  - (iv) Chief, Division of Contracting Services.
  - (v) Property and Supply Officer.
  - (vi) Chief, Division of Plant Design and Construction, Albuquerque, N. Mex.
  - (vii) Chief, Plant Management Engineering Center, Denver, Colo.
  - (viii) Property and Supply Officer, Field Support Services Office, Albuquerque, N. Mex.

\* \* \* \* \*  
JOHN O. CROW,  
Deputy Commissioner.

[FR Doc.72-7778 Filed 5-22-72;8:50 am]

## Title 49—TRANSPORTATION

### Chapter X—Interstate Commerce Commission

[Ex Parte 283]

#### PART 1325—EXTENSION OF CREDIT TO CANDIDATES FOR FEDERAL OFFICE OR THEIR REPRESENTATIVES

##### Implementation of Federal Election Campaign Act

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of April 1972.

It appearing, that by notice of proposed rule making and order of March 8, 1972, this Commission instituted this proceeding and proposed specific regulations concerning the extension of credit to candidates for Federal office of their representatives, which regulations are scheduled to become effective on May 5,

1972, in the absence of a further order modifying or amending such regulations;

It further appearing, that no oral hearing was contemplated; that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the proposed regulations; and that the National Association of Motor Bus Owners has filed a representation supporting the promulgation of the regulations set forth in our prior order while the Democratic National Committee has submitted comments in opposition thereto;

Wherefore, and good cause appearing therefor:

It is ordered, That upon consideration of the representations filed as noted above, no proper or sufficient cause has been shown for modifying or amending the regulations promulgated in this proceeding, which regulations will become effective May 5, 1972.

It is further ordered, That Title 49, Chapter X is amended by the addition of Part 1325, as follows:

- Sec.  
1325.1 Extension of unsecured credit prohibited.  
1325.2 Credit agreements.  
1325.3 Federal office.

AUTHORITY: The provisions of this Part 1325 issued under Public Law 92-225, the Federal Election Campaign Act of 1971, enacted Feb. 7, 1972.

#### § 1325.1 Extension of unsecured credit prohibited.

Persons subject to regulation by the Interstate Commerce Commission shall not knowingly and willfully provide, for candidates for Federal office or their representatives, service or goods related to their campaign without obtaining either prepayment or a binding guarantee of payment through a sufficient deposit, bond, collateral, or other means of security. The extension of credit to such persons shall not exceed the amount of the security posted.

#### § 1325.2 Credit agreements.

(a) All agreements to extend credit to candidates for Federal office or their representatives by persons subject to regulation by the Interstate Commerce Commission, (1) must be in writing, (2) must contain a detailed description of the deposit, bond, collateral, or other means of security, used to secure payment of the debt, and (3) must be signed by all parties to the agreement. A copy of each such agreement must be filed with this Commission's Bureau of Operations in Washington, D.C., within 20 days of the date of its execution.

#### § 1325.3 Federal office.

For the purposes of this section, "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-7748 Filed 5-22-72;8:49 am]



# **Title 50—WILDLIFE AND FISHERIES**

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

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

### **Kenai National Moose Range, Alaska**

The following regulation is a revision for clarification of the special regulation issued March 22, 1972 (F.R. Doc. 72-4868) and is effective on date of publication in the FEDERAL REGISTER (5-23-72).

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

#### **ALASKA**

##### **KENAI NATIONAL MOOSE RANGE**

The use of motorized boats and canoes, other motorized watercraft, engines, including chain saws, auxiliary power units, etc., is prohibited within the Kenai National Moose Range Canoe System, except that boats and canoes with outboard engines will be permitted on Moose River and Swanson River. The canoe system includes those lakes and their related shore areas, waterways, tributaries, and portages within the existing Swan Lake Canoe Route and

Swanson River Canoe Route as described on maps available at Kenai National Moose Range Headquarters, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through April 30, 1973.

**DAVID L. SPENCER,**  
*Acting Area Director, Bureau of  
Sport Fisheries and Wildlife,  
Anchorage, Alaska.*

MAY 10, 1972.

[FR Doc.72-7743 Filed 5-22-72;8:46 am]



# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### [ 36 CFR Part 7 ]

### BLUE RIDGE PARKWAY, N.C. AND VA.

#### Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), the Act of June 30, 1936 (49 Stat. 2041; 16 U.S.C. 460a-2 as amended), 245 DM1 (27 F.R. 6395), National Park Service Order No. 66 (36 F.R. 21218), as amended, and Regional Director, Southeast Region Order No. 5 (37 F.R. 7721), it is proposed to amend § 7.34 of Title 36 of the Code of Federal Regulations as is set forth below.

The purpose of this amendment is to conform our fishing regulations with those of the North Carolina Wildlife Resources Commission regarding use of bait and creel and size limits to eliminate confusion among fishermen on a short stretch of water along the Linville River and at Camp Creek.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Blue Ridge Parkway, Post Office Box 7606, Asheville, NC 28807, within 30 days of the publication of this notice in the FEDERAL REGISTER.

It is proposed to amend paragraph (b) (3) (i) of § 7.34 to read as follows:

#### § 7.34 Blue Ridge Parkway.

- \* \* \* \* \*
- (b) *Fishing.* \* \* \*
- (3) \* \* \*

(i) *North Carolina.* Basin Creek and its tributaries in Doughton Park; Trout Lake in Moses H. Cone Memorial Park; Ash Bear Pen Pond, Boone Fork River, Cold Prong Branch, Laurel Creek, Price Lake, Sims Creek, and Sims Pond in Julian Price Memorial Park.

\* \* \* \* \*

GRANVILLE B. LILES,  
Superintendent,  
Blue Ridge Parkway.

[FR Doc.72-7744 Filed 5-22-72; 8:46 am]

#### [ 36 CFR Part 7 ]

### LAKE MEAD NATIONAL RECREATION AREA, ARIZ. AND NEV.

#### Aircraft, Designated Airstrips

Notice is hereby given that pursuant to the authority contained in section 6 of the Act of October 8, 1964 (78 Stat.

1040; 16 U.S.C. 460n-5), section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM1 (27 F.R. 6395) as amended, National Park Service Order No. 66 (36 F.R. 21218), as amended, and National Park Service Order No. 7 (37 F.R. 6326) it is proposed to amend § 7.48 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to establish restrictions on the use of land and waters administered by the National Park Service in Lake Mead National Recreation Area in those areas designated as special anchorages in Title 33, Code of Federal Regulations, § 110.127. This regulation has become necessary to assure the safety of the visitor utilizing these anchorages and fairways by excluding the operation of aircraft within said anchorages and fairways.

It is the policy of the Department of the Interior, whenever practicable, to give the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, NV 89005, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraph (a) (1) (i) and (ii) of § 7.48 is amended to read as follows:

#### § 7.48 Lake Mead National Recreation Area.

- (a) *Aircraft, designated airstrips.* (1) (i) The entire water surface of Lakes Mead and Mohave are designated landing areas, except as restricted in § 2.2(a) of this chapter. (ii) Aircraft may not be operated under power on those water surface areas designated as special anchorages, including fairways, as defined in 33 CFR 110.127.

\* \* \* \* \*

GLEN T. BEAN,  
Superintendent, Lake Mead  
National Recreation Area.

[FR Doc.72-7745 Filed 5-22-72; 8:46 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service.

#### Commodity Credit Corporation

#### [ 7 CFR Part 1421 ]

### 1973 WHEAT SET-ASIDE, LOAN AND PURCHASE PROGRAMS

#### Proposed Determinations Relative to Set-Aside, Loan Rates, Payments and Program Operating Provisions

Notice is hereby given that the Secretary of Agriculture proposes to make

determinations and issue regulations relative to (a) the 1973 set-aside requirement for wheat; (b) whether there should be provision for additional diversion in 1973 and, if so, the extent of such diversion and payment rate therefor; (c) the alternate crops which may be produced in 1973 on set-aside acreage; (d) whether barley should be designated for inclusion in the feed grain set-aside program for 1973; (e) the loan level for the 1973 crop of wheat, including commodity eligibility and storage requirements; and (f) detailed operating provisions to carry out the programs.

The determinations are to be based on the following considerations:

(a) *Set-aside requirement for wheat.* Section 379b(c) (1) of the Agricultural Adjustment Act of 1938, as amended, requires that the Secretary shall provide for a set-aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set-aside, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect, then, as a condition of eligibility for loans, purchases, and certificates on wheat, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (1) such percentage of the domestic wheat allotment for the farm as may be specified by the Secretary and will be estimated by the Secretary to result in a set-aside not in excess of 15 million acres in the case of the 1973 crop, plus (2) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary.

(b) *Whether there should be provision for additional diversion and, if so, the extent of such diversion and the payment rate therefor.* Section 379b(c) (2) of the Agricultural Adjustment Act of 1938, as amended, provides that, to assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the certificates authorized to be made for required diversion, to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under the regular set-aside program. The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable, taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary is required to limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.



(c) *Whether barley should be designated for inclusion in the feed grain set-aside program for 1973.* Section 105(b) (1) of the Agricultural Act of 1949, as amended, provides that the Secretary may designate barley for inclusion in the feed grain set-aside program. Under section 379c(b) (1), for purposes of preserving allotment history, the Secretary may permit producers of wheat to have acreage devoted to soybeans or to feed grains for which there is a set-aside program in effect considered as devoted to the production of wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

(d) *Loan and purchase program and rate.* Section 107 of the Agricultural Act of 1949, as amended, provides for making loans and purchases on the 1973 crop of wheat available to producers at such level as the Secretary determines appropriate but at a level not less than \$1.25 per bushel nor in excess of the parity price for wheat. In setting such level, consideration is required to be given to competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains.

(e) *Detailed operating provisions to carry out the program.* Detailed regulations for the set-aside program and the loan and purchase program for wheat, commodity eligibility requirements, storage requirements, county rates, and related requirements necessary to carry out the programs are also being reviewed for 1973. Provisions of this kind under current programs may be found in the wheat set-aside program regulations (36 F.R. 16041, August 19, 1971) and in the regulations governing loans, purchases, and other operations for grains and similarly handled commodities (7 CFR Part 1421).

Prior to making any of the foregoing determinations consideration will be given to any data, views, and recommendations relative to these determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

CARROLL G. BRUNTHAVER,  
Acting Administrator, Agricultural  
Stabilization and Conservation Service.

MAY 16, 1972.

[FR Doc. 72-7792 Filed 5-22-72; 8:51 am]

## Farmers Home Administration

### [7 CFR Part 1890a]

[AL-98(440)]

## LOANS TO POULTRYMEN

### Notice of Proposed Rule Making

Notice is hereby given that the Farmers Home Administration (FHA) has under consideration a proposed amendment of Part 1890a, "Loans to Poultrymen," (35 F.R. 13974) by increasing the maximum size of a poultry operation which FHA may finance as a source of supplementary income for certain farm operations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.-4:45 p.m.)

The proposed amendment will read as follows:

### PART 1890a—LOANS TO POULTRYMEN

#### Sec.

1890a.1 Purpose.

1890a.2 General.

1890a.3 Policy—loan making.

**AUTHORITY:** The provisions of this Part 1890a issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529; Order of Director, OEO, 29 F.R. 14764.

#### § 1890a.1 Purpose.

This part supplements Subparts A and B of Part 1821, Subparts A, B, and C of Part 1822, Subpart A of Part 1831, and Subpart A of Part 1832, all of this chapter. This part prescribes the policies not otherwise provided for in loan making regulations which are to be observed in making Farmers Home Administration (FHA) loans to individuals in connection with the establishment or expansion of poultry enterprises.

#### § 1890a.2 General.

The production of poultry and poultry products in the United States has expanded greatly over a period of years. During this period, production has periodically exceeded consumer demand resulting in frequent depressed prices and major financial difficulties for producers. The production of poultry and poultry products has become more stabilized in recent years but these industries are intensely competitive. Because of these trends the FHA has not, for a number of years, made loans to establish individ-

uals in large scale commercial poultry enterprises.

#### § 1890a.3 Policy—loan making.

The following policies will continue to be observed in considering applications for FHA loans for poultry production:

(a) FHA loans may be made to established farm operators who are engaged in a significant poultry enterprise to finance their normal level of operations or to make reasonable adjustments as necessary for a sound operation, provided they will be conducting not larger than an adequate family farming operation after the loan is made.

(b) FHA loans may be made to other farm operators to establish, maintain, or expand a small poultry enterprise needed to supplement their income provided such a loan is needed to provide the family sufficient income for a reasonable standard of living; the poultry enterprise, if under contract, will not exceed the minimum size of operation prevailing in the area needed to qualify for a contract; and the total farming operation will not exceed an adequate family farming operation. When contract production is not customary in the area for the type of poultry enterprise involved, the size of the enterprise will be limited to one that will not require more labor than the minimum size operation for which contracts are generally available in the State. For example, in areas where a 20,000 capacity broiler operation is the minimum size for which producers can obtain contracts, the labor required for such an operation is the standard which will apply to other types of poultry enterprises. Additional loans will not be made to such producers to expand the poultry enterprise above this limit unless an increase in size of poultry operation is necessary to continue to provide the family with a reasonable standard of living, the applicant has been successful with his poultry operation for several years and the prospects are that he will continue to be successful in the future.

(c) Rural Housing Disaster and Emergency (EM) loans may be made to operators of larger than family farms to finance the reestablishment of their normal level of poultry operations if they are otherwise eligible for such loans. Soil and Water loans also may be made to such farmers.

(d) Farm Ownership loans may be made to buy a poultry farm or a poultry farm acquired by FHA may be sold to an eligible applicant on a credit sale. FHA loans, other than EM loans, may be made in such a case to repair or update facilities that exist on the farm at the time of purchase or when appropriate to expand the operation within the limits specified in paragraph (b) of this section.

(e) FHA loans will not be made to establish new operators in large scale commercial poultry enterprises for the production of meat, birds or eggs.



(f) The above policies do not prohibit making FHA loans to poultry producers for purposes other than the production of poultry.

Dated: May 12, 1972.

JAMES V. SMITH,  
Administrator,  
Farmers Home Administration.

[FR Doc. 72-7790 Filed 5-22-72; 8:52 am]

## DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 29-60]

### CONTRACT APPEALS

#### Notice of Proposed Revised Contract Appeal Adjudication Procedures

Existing procedures for administrative adjudication of appeals from decisions of contracting officers under disputes clauses of Department of Labor contracts provide, in 41 CFR Part 29-60, for adjudication of such appeals by the General Services Administration Board of Contract Appeals. It has been proposed upon a review of contract administration, in the Department that it would be desirable to have these adjudicatory functions performed by a permanent Department of Labor Board of Contract Appeals composed of the Department's regular Hearing Examiners. To establish such a Board, to provide it with necessary authority, and to prescribe rules of procedure applicable to appeals which it is vested with jurisdiction to decide, I propose to revise Part 29-60 of Title 41 of the Code of Federal Regulations to read as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Under Secretary of Labor, U.S. Department of Labor, Suite 3124, 14th and Constitution Avenue NW., Washington, D.C., within 30 days following publication of this notice in the FEDERAL REGISTER.

#### PART 29-60—PROCEDURES FOR SETTING CONTRACT DISPUTE APPEALS

Sec.	
29-60.000	Scope of part.
Subpart 29-60.1—General Policy; Establishment and Functions of Board of Contract Appeals	
29-60.100	Designation and establishment.
29-60.101	Organization and location of the Board.
29-60.102	Jurisdiction for considering appeals.
29-60.103	Powers of the Board.
29-60.104	Board of Contract Appeals procedure.
29-60.104-1	Rules.
29-60.104-2	Administration and interpretation of rules.
29-60.104-3	Preliminary procedures.
29-60.104-4	Delegation of authority.
29-60.104-5	Time, computation, and extensions.
29-60.104-6	Representation of parties.

#### Subpart 29-60.2—Rules of the Department of Labor Board of Contract Appeals

Sec.	
29-60.201	Notice of appeal.
29-60.202	Contents of notices of appeal.
29-60.203	Forwarding of appeals.
29-60.204	Acknowledgment of appeal and distribution.
29-60.205	Appeal file.
29-60.205-1	Preparation and submission.
29-60.205-2	Notification to appellant.
29-60.206	Pleadings.
29-60.206-1	Complaint.
29-60.206-2	Answer.
29-60.206-3	Amendment of pleadings.
29-60.207	Motions.
29-60.207-1	Types.
29-60.207-2	For lack of jurisdiction.
29-60.208	Hearing election.
29-60.209	Prehearing briefs.
29-60.210	Prehearing conference.
29-60.211	Submission without a hearing.
29-60.212	Optional accelerated procedure.
29-60.213	Closing of the record.
29-60.213-1	Time of submission for decision.
29-60.213-2	Record bases for decision.
29-60.213-3	Availability of record.
29-60.214	Depositions.
29-60.214-1	When permitted.
29-60.214-2	Orders on depositions.
29-60.214-3	Use as evidence.
29-60.214-4	Expenses.
29-60.215	Interrogatories to parties, production and inspection of documents.
29-60.215-1	Interrogatories to parties.
29-60.215-2	Production and inspection of documents.
29-60.216	Service of papers.
29-60.217	Hearings.
29-60.217-1	Where and when held.
29-60.217-2	Notice of hearings.
29-60.217-3	Unexcused absence of a party.
29-60.217-4	Nature of hearings.
29-60.217-5	Examination of witnesses.
29-60.217-6	Copies of papers.
29-60.217-7	Posthearing submissions.
29-60.217-8	Transcript of proceedings.
29-60.217-9	Withdrawal of exhibits.
29-60.218	Representation of parties.
29-60.218-1	Representation of appellant.
29-60.218-2	Representation of Government.
29-60.219	Decisions of the Board.
29-60.220	Motions for reconsideration.
29-60.221	Dismissal without prejudice.
29-60.222	Remands from courts.
29-60.223	Standards of conduct.

#### Subpart 29-60.3—Transitional provisions

29-60.301	Appeals in progress.
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AUTHORITY: The provisions of this Part 29-60 issued under 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 F.R. 3174, 64 Stat. 1263, 5 U.S.C. Appendix.

#### § 29-60.000 Scope of part.

This part establishes a permanent Department of Labor Board of Contract Appeals (referred to hereafter as the Board), delegates authority to the Board to hear and decide, pursuant to prescribed policies and procedures, appeals from formal decisions of contracting officers and other officials of the Department of Labor arising under disputes provisions of contracts awarded by the Department, and sets forth the rules of the Board. This part terminates a prior delegation (36 F.R. 5691) of such appellate and review functions to the General Services Administration Board of Contract Appeals, except with respect to cases currently pending before such Board.

#### Subpart 29-60.1—General Policy; Establishment and Functions of the Board of Contract Appeals

##### § 29-60.100 Designation and establishment.

A permanent Department of Labor Board of Contract Appeals is hereby established. The Board shall be composed of members selected and appointed as provided in § 29-60.101 and is designated as the authorized representative of the Secretary of Labor to hear and decide appeals within its jurisdiction as set forth in § 29-60.102 and to perform the designated functions in connection therewith as provided in this part.

##### § 29-60.101 Organization and location of the Board.

(a) The Board is located in Washington, D.C.

(b) The Board consists of the Chief Hearing Examiner and five Department of Labor Hearing Examiners to be appointed by the Under Secretary subject to the approval of the Secretary to serve on the Board, each for a term of 4 years, during the time they are serving under regular full-time appointments as provided in 5 U.S.C. 5108 and qualified to preside at hearings pursuant to 5 U.S.C. 556. The Chief Hearing Examiner shall be the Chairman of the Board. The appeals are assigned to a panel of at least three members of the Board by the Chairman who shall designate one panel member as Chairman of the panel. The decision of a majority of the panel constitutes the decision of the Board.

(c) In the event the Chief Hearing Examiner is temporarily unavailable to serve as Chairman of the Board he shall designate one associate member to serve for the duration of his absence.

##### § 29-60.102 Jurisdiction for considering appeals.

(a) Except as stated in paragraph (b) of this section, the Department of Labor Board of Contract Appeals (referred to herein as "the Board") shall consider and determine appeals from decisions of contracting officers and other officials of the Department of Labor arising under contracts which contain provisions requiring the determination of appeals by the head of the agency or his duly authorized representative. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Secretary himself.

(1) When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue.

(b) The authority of the Board does not apply to any matters arising from disputes relating to equal employment opportunity and labor standards.

##### § 29-60.103 Powers of the Board.

(a) The Board shall have all the powers of the Secretary of Labor necessary or appropriate to the exercise of the jurisdiction and the performance of the



duties provided in paragraph (a) of § 29-60.102, including but not limited to:

- (1) The power to administer oaths and affirmations;
- (2) The power to conduct hearings, examine and cross-examine witnesses, and to call witnesses;
- (3) The power to rule upon offers of proof and admissibility of evidence;
- (4) The power to regulate the course of hearings and the conduct of the parties and their representatives therein;
- (5) The power to rule upon all motions;
- (6) The power to grant or order oral argument before the Board or its designated panel at any stage of the proceeding;
- (7) The power to make decisions in conformity with this part;
- (8) The power to hold conferences for the settlement, clarification and simplification of issues; and
- (9) The power and authority pursuant to 5 U.S.C. 304, to apply to the appropriate U.S. District Court for the issuance of a subpoena to compel the attendance of a witness at a Board hearing or for the purpose of obtaining the formal testimony of such witness or to compel the production of other evidentiary material necessary for a proper adjudication of the case.

**§ 29-60.104 Board of Contract Appeals procedure.**

**§ 29-60.104-1 Rules.**

Appeals referred to the Board are handled in accordance with the rules of the Board (see Subpart 29-60.2).

**§ 29-60.104-2 Administration and interpretation of rules.**

Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

**§ 29-60.104-3 Preliminary procedures.**

Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

**§ 29-60.104-4 Delegation of authority.**

The Chairman of the Board may authorize and direct any individual member of the Board to hold prehearing conferences and/or hearings and receive evidence and arguments in its stead, and to certify the record of the proceedings to the designated panel. The Board member acting pursuant to such authority may exercise any of the powers vested in the Board which are necessary to the proper performance of the functions assigned to him by the Chairman of the Board.

**§ 29-60.104-5 Time, computation, and extensions.**

(a) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully ex-

hausted if the action described can be accomplished in a lesser period.

(b) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(c) Except for the period prescribed for filing notices of appeal and requests for reconsideration, an extension of time may be granted by the Board upon written motion by the requesting party stating good cause for such an extension.

**§ 29-60.104-6 Representation of parties.**

Reference to contractor, appellant, contracting officer, Government, and parties shall include respective representatives of the parties: *Provided*, The appropriate notices of appearance have been filed with the Board. An appellant may appear before the Board in person or may be represented by counsel or by any other duly authorized representative.

**Subpart 29-60.2—Rules of the Department of Labor Board of Contract Appeals**

**§ 29-60.201 Notice of appeal.**

Notice of an appeal must be in writing and may be in the form of a letter to the Secretary of Labor. The original notice of appeal, together with two copies, addressed to the Secretary, shall be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract.

**§ 29-60.202 Contents of notices of appeal.**

A notice of appeal, which may be in the form of a letter, should indicate that an appeal is thereby intended, should identify the decision and the date thereof, from which the appeal is taken, and should furnish the number of the contract in dispute. The appeal should describe the nature of the dispute involved in the decision and the relief sought, the contract provisions involved, and any other additional information or comments relating to the dispute which are considered to be important. The notice of appeal should be signed personally by the appellant (the prime contractor making the appeal) or by an officer of the appellant corporation, or member of the appellant firm, or by the contractor's duly authorized representative or attorney.

**§ 29-60.203 Forwarding of appeals.**

When a notice of appeal is received by the contracting officer, he shall transmit, directly to the Board, the original of the notice of appeal, together with the original of the envelope in which the notice of appeal was received with the date of receipt stamped thereon, and any receipt from the appellant showing

the date of receipt of the decision of the contracting officer, or shall furnish information as to the date when his decision was received by the appellant. A copy of the same material shall be simultaneously furnished to the Solicitor of Labor. When the Board receives the original or copy of a notice of appeal from a source other than the contracting officer, the contracting officer shall be advised promptly, given a copy of the notice, and shall be requested to follow the same procedure as if he had received the notice directly from the appellant.

**§ 29-60.204 Acknowledgment of appeal and distribution.**

After the Board receives a notice of appeal, it will promptly acknowledge receipt thereof to the appellant, who shall be furnished a copy of these rules. The Board simultaneously will transmit copies of appropriate documents to the contracting officer, and the Solicitor of Labor.

**§ 29-60.205 Appeal file.**

**§ 29-60.205-1 Preparation and submission.**

Following receipt of the notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Board an appeal file consisting of copies of all documents pertinent to the appeal, together with an index listing the documents. The contracting officer shall simultaneously transmit two copies of the appeal file to the Solicitor of Labor and shall retain one copy in his office. There should be included:

(a) The decision from which the appeal is taken and any findings of fact made in connection therewith, and the letter or letters or other documents of claim in response to which the decision was issued;

(b) The contract and pertinent plans, specifications, amendments, and change orders;

(c) Correspondence between the parties and other data pertinent to the appeal;

(d) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(e) Such additional information as may be considered material.

**§ 29-60.205-2 Notification to appellant.**

Upon receipt of the foregoing appeal file, the Board shall notify the appellant, provide him with a listing of its contents, and shall afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board, for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. The Board also will promptly advise the parties regarding any later documentation of the appeal file.



**§ 29-60.206 Pleadings.****§ 29-60.206-1 Complaint.**

Within 30 days after receipt of notice of docketing of the appeal by the Board, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise, and direct statements of each claim, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. Upon receipt thereof, the Board shall serve a copy upon the Solicitor of Labor. Should a complaint not be mailed or otherwise filed within 30 days, appellant's claim and notice of appeal shall be deemed to set forth its complaint and the Solicitor of Labor shall be so notified.

**§ 29-60.206-2 Answer.**

Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, the Solicitor of Labor shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of its defenses to each claim asserted by appellant. This pleading shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant.

**§ 29-60.206-3 Amendment of pleadings.**

The Board may, in its discretion, and within the proper scope of the appeal, permit or require either party to amend its pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or documentation described in § 29-60.206, are tried by express or implied consent of the parties, or by permission of the Board they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the appeal file (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however*, That the objecting party may be granted a continuance, if necessary, to enable him to meet such evidence.

**§ 29-60.207 Motions.****§ 29-60.207-1 Types.**

The Board may entertain the following motions:

- (a) To dismiss for lack of jurisdiction;
- (b) To dismiss the appeal for failure by the contractor to state a claim for which relief can be granted;
- (c) To dismiss the appeal for failure of the contractor to prosecute;
- (d) To grant the appeal for failure of the Government to prosecute its defense; or
- (e) Such other motions as may be appropriate.

**§ 29-60.207-2 For lack of jurisdiction.**

Any motion addressed to the jurisdiction of the Board, and any reply thereto,

shall be promptly filed. Oral argument on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time, and on its own motion, to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

**§ 29-60.208 Hearing election.**

Upon receipt of the Government's answer, appellant promptly shall advise the Board whether it desires a hearing, as prescribed in § 29-60.217, or whether in the alternative it elects to submit its case on the record without a hearing, as prescribed in § 29-60.211. In appropriate cases, the appellant also shall elect whether it desires the optional accelerated procedure prescribed in § 29-60.212. The Government also shall have the right to request a hearing, and the Board may direct that a hearing be held upon its own motion.

**§ 29-60.209 Prehearing briefs.**

Based on an examination of the documentation described in the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 29-60.208. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as arranged.

**§ 29-60.210 Prehearing conference.**

Whether the case is to be submitted pursuant to § 29-60.211, or heard pursuant to § 29-60.217, the Board may upon its own initiative, or upon the application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

- (a) The simplification or clarification of the issues;
- (b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;
- (c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;
- (d) The possibility of agreement disposing of all or any of the issues in dispute; and
- (e) Such other matters as may aid in the disposition of the appeal.

Such conferences shall be on the record at the discretion of the presiding Board member. The results of the conference

shall be reduced to writing by the presiding Board member, and this writing or any transcript of the conference shall thereafter constitute part of the record.

**§ 29-60.211 Submission without a hearing.**

Where neither party desires a hearing, and the Board does not require one, the Board's decision will be based upon the available record as furnished by the parties.

**§ 29-60.212 Optional accelerated procedure.**

(a) An appeal involving sums not in excess of \$10,000 shall be handled under this rule at the written request of the appellant and upon concurrence of the Board.

(b) The appeal will be decided on the basis of the available record as furnished by the parties unless a hearing has been requested by either party, or unless the Board orders a hearing.

(c) With the concurrence of the Government, the appeal shall be decided by the chairman of the panel to which the appeal has been assigned. For this purpose, the chairman of the panel is vested with all the authority and power of the full Board to hear, consider, and decide the appeal. At the discretion of the panel chairman, the panel shall participate in the decision.

(d) Under this accelerated procedure, the decision will be issued on an expedited basis, without regard to its normal position on the docket, and will be rendered in summary form unless other action appears indicated.

**§ 29-60.213 Closing of the record.****§ 29-60.213-1 Time of submission for decision.**

A case submitted on the record pursuant to § 29-60.211 or § 29-60.212 shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are ordered to be submitted by the Board.

**§ 29-60.213-2 Record bases for decision.**

The record shall consist of the appeal file described in § 29-60.205-1, and any additional material, pleadings, briefs, records of conferences, depositions, interrogatories and answers, admissions, transcripts of hearing, and hearing exhibits.

**§ 29-60.213-3 Availability of record.**

This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Clerk of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

**§ 29-60.214 Depositions.****§ 29-60.214-1 When permitted.**

After an appeal has been docketed, the Board may, upon motion of either party



filed with the Board, with notice thereof to the other party, upon good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery.

§ 29-60.214-2 Orders on depositions.

The time, place, and manner of taking depositions shall be governed by order of the Board.

§ 29-60.214-3 Use as evidence.

No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. Testimony will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise decided on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

§ 29-60.214-4 Expenses.

All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition upon paying therefor.

§ 29-60.215 Interrogatories to parties, production and inspection of documents.

§ 29-60.215-1 Interrogatories to parties.

After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days from date of service. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted. The scope and use of interrogatories will be controlled by § 29-60.214.

§ 29-60.215-2 Production and inspection of documents.

Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions of making the inspection and taking the copies and photographs.

§ 29-60.216 Service of papers.

Except where these rules specifically provide for service of documents by the Board, all motions, answers, briefs, no-

tices, and all other papers filed with the Board shall be served by the filing party on the opposing party. Service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy of the document to the opposing party or its counsel. There shall be attached to the original of each document filed with the Board a certificate of service signed by the filing party stating that service has been made.

§ 29-60.217 Hearings.

§ 29-60.217-1 Where and when held.

Hearings ordinarily will be held in Washington, D.C., except that upon request and upon good cause shown, the Board may, in its discretion, set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may, in its discretion, advance or postpone a hearing.

§ 29-60.217-2 Notice of hearings.

The parties shall be given at least 15 days' notice of the time and place set for hearings. In scheduling hearing dates, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notice of hearing shall be acknowledged promptly by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted the case upon the Board record as provided in § 29-60.211.

§ 29-60.217-3 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearings will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 29-60.211.

§ 29-60.217-4 Nature of hearings.

Hearings will be as informal as reasonably permissible, and will seek to provide the Board with the pertinent facts and the positions of the parties as a basis for the Board's decision or recommendation. The parties may offer such relevant evidence or argument as they deem appropriate; subject, however, to the exercise of reasonable discretion by the presiding member of the Board in supervising the extent and manner of presenting such evidence. The weight to be attached to any evidence presented will be determined by the Board.

§ 29-60.217-5 Examination of witnesses.

Witnesses before the Board may be examined orally under oath or affirmation, unless the facts are stipulated, or the presiding Board member shall otherwise order. If the testimony of a witness is not given under oath, the presiding Board member may, if he deems it expedient, warn the witness that his statements may be subject to the provisions of 18 U.S.C. 287 and 1001, and any other

provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 29-60.217-6 Copies of papers.

(a) All documents offered in evidence at a hearing must be submitted in triplicate.

(b) When books, records, papers, or documents have been received in evidence, a true copy thereof, or of such part thereof as may be material or relevant, may be substituted therefor during the hearing or at the conclusion thereof.

§ 29-60.217-7 Posthearing submissions.

Unless otherwise directed by the Board, the parties will submit simultaneous briefs within 30 days of the receipt of the transcript, and reply briefs within 20 days of receipt of the initial briefs.

§ 29-60.217-8 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Department and the reporting firm.

§ 29-60.217-9 Withdrawal of exhibits.

After a decision has become final, the Board may, upon request and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 29-60.218 Representation of parties.

§ 29-60.218-1 Representation of appellant.

An appellant may appear before the Board in person or may be represented by counsel or by any other duly authorized representative.

§ 29-60.218-2 Representation of Government.

Counsel designated by the Solicitor of Labor shall represent the interests of the Department before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever it appears that appellant and the Solicitor's Office are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however*, That if the Board is advised by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's docket.

§ 29-60.219 Decisions of the Board.

Decisions of the Board will be made in writing and a certified copy thereof will be forwarded to appellant. Copies also will be sent to the Solicitor of Labor and to the contracting officer.



**§ 29-60.220 Motions for reconsideration.**

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion. The opposing party shall have the right to file an answer to such motion within 30 days from the date of receipt of the motion for reconsideration, and either party shall have the right to request an oral argument. Reconsideration of a decision, which may include oral argument, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

**§ 29-60.221 Dismissal without prejudice.**

Where appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board, and in any such case where the suspension has continued, or it appears that it will continue for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

**§ 29-60.222 Remands from courts.**

Whenever any matter is remanded to the Board from any court for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board, recommending procedures to be followed in order to comply with the court's order. The Board will review the reports and enter special orders governing the handling of matters remanded to it for further proceedings by any court, to the extent the court's directive and time limitations will permit, such orders will conform to these rules.

**§ 29-60.223 Standards of conduct.**

No member of the Board shall consider an appeal if he has participated in the awarding or administration of the contract in question. There shall be no communication between any party to an appeal and a Board member or Board employee concerning the merits of the appeal, unless such communication (if written) is also furnished to the other party. The Board also shall exercise care to avoid receiving, except as part of the formally established appeal record, any information having a substantial bearing upon an appeal from persons who do not represent a party in the appeal, but nonetheless have an interest in the decision to be rendered.

**Subpart 29-60.3—Transitional Provisions****§ 29-60.301 Appeals in progress.**

All appeals pending before the General Services Administration Board of Contract Appeals on the effective date of the rules in this part (i.e., those with respect to which a notice of appeal had been properly filed before such date) shall be processed in accordance with Depart-

ment of Labor appeals procedures heretofore in effect. All other appeals pending in the Department on such date shall be processed under the procedures in effect at the time the notice of appeal was filed.

Signed at Washington, D.C., this 17th day of May 1972.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc. 72-7772 Filed 5-22-72; 8:52 am]

## **COST ACCOUNTING STANDARDS BOARD**

[4 CFR Part 331]

### **CONTRACT COVERAGE**

#### **Small Business Set-Aside Programs**

The Cost Accounting Standards Board has been requested by letter, dated April 10, 1972, from the Administrator of the Small Business Administration to exclude certain small business contracts from Cost Accounting Standards Board requirements. Contracts for which exclusion were sought are contracts made pursuant to total and partial small business set-aside programs and contracts made pursuant to section 8(a) of the Small Business Act.

In considering the Small Business Administration's request, the Board has reviewed the nature and purpose of the special procurement techniques involved in making such contracts, as well as the probable consequences of applying Cost Accounting Standards Board requirements to those contracts. The Board proposes that small business contracts of the types described should be excluded from the operation of its standards, rules, and regulations.

Contracts entered into pursuant to a special method of procurement known as "Small Business Restricted Advertising" are contracts which are made in the same way as contracts made pursuant to formal advertising except for the fact that competition is restricted to small business. The Comptroller General has recognized the propriety of characterizing such contracts as having been formally advertised in appropriate circumstances. The Board believes that, in view of the purposes of Public Law 91-379, such contracts should be deemed to be formally advertised and, therefore, not subject to the standards, rules, and regulations of the Cost Accounting Standards Board.

Regarding partial small business set-asides, the price of such contracts under ASPR 1-706.6 and FPR 1-1.706-6 is determined by actions which are completely independent of the set-aside contractor's proposal. That price is the price at which the non-set-aside portion of the procurement has been awarded. Set-aside offerors who satisfy certain criteria are offered the opportunity to accept a contract for the set-aside portion at that specified fixed price. The set-aside offeror may accept the contract or not, but both he and the Government are

bound by the specific rules by which the contract price is fixed. Neither party may vary that price. The Board, therefore, believes that such contracts should be excluded from operation of Cost Accounting Standards Board Standards, rules, and regulations.

In his letter of April 10, the Administrator of the Small Business Administration stated, "It has been our experience that our 8(a) subcontractors require considerable technical and management assistance in order to enable them to perform such subcontracts and to become a self-sufficient, viable business capable of competing in the marketplace. We have frequently found it necessary to provide management assistance to our subcontractors in establishing even rudimentary accounting systems and practices." The Board believes that firms awarded contracts under section 8(a) of the Small Business Act should not be mandatorily required to comply with Board Standards, rules, and regulations and, therefore, proposes to exclude their contracts from applicability of Board regulations. The Board would, if so ruling, urge the Administrator of the Small Business Administration to apply Board issuances to such contracts to the maximum extent possible consistent with the objective of fostering the establishment and growth of section 8(a) contractors and to assist them in developing expertise in contract cost accounting.

Interested parties are invited to submit written views in an original and two copies, concerning the proposals to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548, to arrive no later than June 23, 1972. All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

The following modification to § 331.3 of the Board's regulations is proposed to reflect the foregoing views:

#### **PART 331—CONTRACT COVERAGE**

Proposed modification of § 331.3, Applicability:

Section 331.3, Applicability, is modified by designating the present § 331.3 as paragraph (a) and by adding the following paragraph (b):

##### **§ 331.3 Applicability.**

(b) The requirements of paragraph (a) shall not be applicable to:

(1) Any contract made pursuant to a special method of procurement known as "Small Business Restricted Advertising";

(2) Any contract made with a small business pursuant to Partial Small Business Set-Aside procedures; or

(3) Any contract entered into under authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(84 Stat 796, sec. 103; 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,  
Executive Secretary.

[FR Doc. 72-7726 Filed 5-22-72; 8:52 am]



# Notices

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[DES 72-61]

### TERMINATION OF HELIUM PURCHASE CONTRACTS

#### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Mines, Department of the Interior, has prepared a draft environmental statement entitled "Termination of Helium Purchase Contracts." Written comments on the draft statement are invited for a period of 90 days after the publication of this notice. Such comments should be addressed to the Director, Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20240.

Single copies of the draft statement are available from the Director, Bureau of Mines, at the above address.

In requesting this document, please refer to the statement number above.

Dated: May 16, 1972.

JOHN W. LARSON,  
Assistant Secretary of the Interior.

[FR Doc.72-7730 Filed 5-22-72;8:45 am]

### CARROL M. BENNETT

#### Statement of Changes in Financial Interests

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

- (1) Sold: Rollins International.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of May 1, 1972.

Dated: May 1, 1972.

CARROL A. BENNETT.  
CARROL M. BENNETT.

[FR Doc.72-7740 Filed 5-22-72;8:46 am]

### WILLIAM A. DAVIS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28,

1955, the following changes have taken place in my financial interests during the past 6 months.

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

This statement is made as of April 25, 1972.

Dated: April 25, 1972.

WILLIAM A. DAVIS.

[FR Doc.72-7732 Filed 5-22-72;8:45 am]

### FRANK DRAKE

#### Statement of Changes in Financial Interests

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

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

This statement is made as of April 28, 1972.

Dated: April 28, 1972.

FRANK DRAKE.

[FR Doc.72-7733 Filed 5-22-72;8:45 am]

### EDWARD GLASS

#### Statement of Changes in Financial Interests

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

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

This statement is made as of April 20, 1972.

Dated: April 20, 1972.

EDWARD GLASS.

[FR Doc.72-7734 Filed 5-22-72;8:45 am]

### DONALD B. GREGG

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28,

1955, the following changes have taken place in my financial interests during the past 6 months:

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

This statement is made as of April 14, 1972.

Dated: April 20, 1972.

DONALD B. GREGG.

[FR Doc.72-7735 Filed 5-22-72;8:46 am]

### ERNEST H. HILL

#### Statement of Changes in Financial Interests

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

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

This statement is made as of April 24, 1972.

Dated: April 24, 1972.

ERNEST H. HILL.

[FR Doc.72-7736 Filed 5-22-72;8:46 am]

### EVAN W. JAMES

#### Statement of Changes in Financial Interests

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

- (1) No change.
- (2) Wisconsin Public Service Corp.—common stock.
- (3) No change.
- (4) No change.

This statement is made as of April 25, 1972.

Dated: April 25, 1972.

EVAN W. JAMES.

[FR Doc.72-7737 Filed 5-22-72;8:46 am]

### JACK P. LEWIS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and



Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) Delete: Connecticut General Corp.
- Add: Pennsylvania Power Co.
- (3) No change.
- (4) No change.

This statement is made as of April 20, 1972.

Dated: April 20, 1972.

JACK P. LEWIS.

[FR Doc.72-7768 Filed 5-22-72;8:49 am]

### NICHOLAS A. RICCI

#### Statement of Changes in Financial Interests

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

- Add: (1) Appointed Assistant Vice President—Wisconsin Electric Power Co. on March 16, 1972.
- Add: (2) Mortgage Associates.
- (3) No change.
- (4) No change.

This statement is made as of April 25, 1972.

Dated: April 25, 1972.

N. A. Ricci.

[FR Doc.72-7738 Filed 5-22-72;8:46 am]

### JOHN A. ROLFING, Jr.

#### Statement of Changes in Financial Interests

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

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

This statement is made as of April 21, 1972.

Dated: April 21, 1972.

JOHN A. ROLFING, Jr.

[FR Doc.72-7739 Filed 5-22-72;8:46 am]

### Bureau of Land Management

[Bureau Order 701, Amdt. 15]

#### LANDS AND RESOURCES

#### Redelegation of Authority

MAY 17, 1972.

Bureau Order No. 701 dated July 23, 1964, is further amended as follows:

Paragraphs (i) and (j) of section 1.2 are amended to read:

#### SECTION 1.2 General and miscellaneous matters.

(i) *Studies.* Conduct investigations, studies and experiments as provided in the Public Land Administration Act (43 U.S.C. 1362).

(j) *Fire protection.* Take all actions for the protection from fire (prevention, suppression, and suppression) of the public lands under the jurisdiction of the Bureau of Land Management, including authority to enter into contracts and cooperative agreements with Federal, State, county, municipal, and private fire control organizations.

GEORGE L. TURCOTT,  
Associate Director.

[FR Doc.72-7741 Filed 5-22-72;8:46 am]

### National Park Service

#### ACADIA NATIONAL PARK, MAINE

#### Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with the Acadia Corp., authorizing it to provide concession facilities and services for the public at Acadia National Park, Maine, for a period of one (1) year from January 1, 1973, through December 31, 1973.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

JOSEPH RUMBURG,  
Deputy Associate Director,  
National Park Service.

MAY 12, 1972.

[FR Doc.72-7746 Filed 5-22-72;8:47 am]

### SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIF.

#### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby

given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Sequoia and Kings Canyon National Parks, proposes to issue a concession permit to Allen R. Simmons authorizing him to conduct pack and saddle operations for the public corrals in Cedar Grove, Kings Canyon National Park, for a period of 5 years from January 1, 1972, through December 31, 1976.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, Calif. 93271, for information as to the requirements of the proposed permit.

JOHN S. McLAUGHLIN,  
Superintendent, Sequoia and  
Kings Canyon National Parks.

MARCH 28, 1972.

[FR Doc.72-7747 Filed 5-22-72;8:47 am]

## DEPARTMENT OF COMMERCE

### Bureau of Domestic Commerce

[BDC Delegation 3]

#### ADMINISTRATOR OF GENERAL SERVICES

#### Delegation of DO Priority Rating

MAY 16, 1972.

SECTION 1. This delegation of authority to the Administrator of General Services is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. sec. 2071 (1970)), Executive Order 10480, as amended (3 CFR 1949-1953 Comp., p. 962; 50 U.S.C. App. 2153 (1970)), Defense Mobilization Order 8400.1 (32A CFR, 1972 ed., p. 15), and Department of Commerce Organization Order No. 40-1A (36 F.R. 4553).

SEC. 2. The Administrator of General Services is delegated the authority to apply, or assign to others the authority to apply, DO priority ratings identified by the symbol K1 with respect to contracts and delivery orders to meet procurement requirements of the General Services Administration's Supply Distribution Facility Program. The Administrator of General Services may redelegate this authority and authorize its successive redelegation to any other persons or agencies within the General Services Administration.

SEC. 3. The exercise of this authority shall conform to the terms of the rules



and regulations of the Bureau of Domestic Commerce and such conditions as it may impose on use, records and reports. This delegation shall take effect May 16, 1972, and shall supersede BDSA Delegation 3, dated May 8, 1963 (28 F.R. 4798).

BUREAU OF DOMESTIC  
COMMERCE,  
HUDSON B. DRAKE,  
Director.

[FR Doc. 72-7762 Filed 5-22-72; 8:48 am]

# Office of Import Programs

## UNIVERSITY OF ILLINOIS AT URBANA—CHAMPAIGN ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

#### Correction

In F.R. Doc. 72-7270 appearing at page 9573 of the issue for Friday, May 12, 1972, the following should be inserted between the fourth and fifth lines of Docket No. 72-00437-33-46040 (page 9575):

Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the investigation of cellular and subcellular structure, specifically, the study of ultrathin sections of tissues obtained under a variety of conditions and isolated subcellular fractions and viruses. The article will also be used for training of research trainees (postdoctoral M.D.) preparing for a career of research in pathology and teaching of medical students. Application received by Commissioner of Customs: March 10, 1972.

Docket No. 72-00438-33-46040. Applicant: W. Alton Jones Cell Science Center, Post Office Box 631, Lake Placid, NY 12946. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD. Intended use of article: The article is intended to be used primarily in the investigation of medical, biological, and tissue culture materials; specifically, (1) characterization of natural and artificial mammalian pulmonary surfactant, and (2) characterization of crystallized air pollutants in human lungs. The article will also be used for training in cell, tissue, and organ culture to cell biologists requiring these methods in their research. Application received by Commissioner of Customs: March 10, 1972.

Docket No. 72-00439-33-46500. Applicant: Harvard Medical School, Mallory Institute of Pathology, 784 Massachusetts Avenue, Boston, MA 02118. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of biological materials during

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[DESI 6412]

### CERTAIN OTC ANTIHISTAMINIC PREPARATIONS

#### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. Pending the results of the OTC study of drugs in this class, action on these reports will be deferred in accordance with the proposal published in the FEDERAL REGISTER of April 20, 1972 (37 F.R. 7807) entitled "Over-the-Counter Drugs" concerning the status of drugs previously reviewed under the Drug Efficacy Study.

The following OTC Antihistamines are included in this announcement:

1. Neo-Antergan Maleate tablets containing pyrilamine maleate; Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486 (NDA 6-290).  
2. Decapryn Syrup containing doxylamine succinate; Merrell-National Drug Co., Division of Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 6-412).

3. Neohetramine Hydrochloride Tablets containing thonzylamine hydrochloride; Warner Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 6-413).

4. Thephorin Tablets containing phenindamine tartrate; Roche Laboratories, Division Hoffman-LaRoche Inc., 340 Kingsland Avenue, Nutley, N.J. 07110 (NDA 7-026).

5. Inhiston Tablets containing pheniramine maleate; Pharmaco Sardo Products, Division Plough, Inc., 3022 Jackson Avenue, Memphis, TN 38101 (NDA 7-057).

6. Anahist Tablets containing thonzylamine hydrochloride; Warner-Lambert Products, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, N.J. 07950 (NDA 7-059).

7. Kriptin Tablets containing pyrilamine maleate; Whitehall Laboratories, Inc., Division American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017 (NDA 7-071).

8. Histalon Tablets containing pyrilamine maleate; Hance Brothers and White Co., 12th and Hamilton Streets, Philadelphia, Pa. 19123 (NDA 7-098).

9. Boyle A-H Tablets containing pyrilamine maleate; Boyle and Co., 6330 Chalet Drive, Los Angeles, Calif. 90022 (NDA 7-099).

10. Afko-Hist Tablets containing pyrilamine maleate; American Pharmaceutical Co., 120 Bruckner Boulevard, New York, N.Y. 10454 (NDA 7-103).

11. Pyrilamine Maleate Tablets; American Pharmaceutical Co. (NDA 7-103).

12. Antihistamine Tablets containing pyrilamine maleate; Rexall Drug and Chemical Co., 8480 Beverly Boulevard, Los Angeles, Calif. 90054 (NDA 7-111).

13. Nisaval Tablets containing pyrilamine maleate; The Vale Chemical Co., 1201 Liberty Street, Allentown, Pa. 18102 (NDA 7-112).

14. Pyrilamine Maleate Tablets; Direct Laboratories, Inc., 377 Genesee Street, Buffalo, N.Y. 14204 (NDA 7-171).

15. Ocas Antihistaminic Tablets containing pyrilamine maleate; Otis Clapp and Sons, Inc., 143 Albany Street, Cambridge, Mass. 02139 (NDA 7-357).

16. Bristamin Tablets containing phenyltoloxamine citrate; Bristol Laboratories, Inc., Division Bristol-Myers Co., Thompson Road, Post Office Box 657, Syracuse, N.Y. 13201 (NDA 7-702).

17. Statomin Maleate Tablets containing pyrilamine maleate; Bowman, Inc., 119 Schroyer Avenue SW., Canton, Ohio 44702 (NDA 8-208).

18. Pyrilamine Maleate Nyscaps; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 9-872).

19. Pyrilamine Maleate Timed Disintegration Capsules; Direct Laboratories Inc. (NDA 10-234).

20. Pyrilex Timed Disintegrating Capsules, and

21. Histine Timed Disintegrating Capsules containing pyrilamine maleate; United Pharmaceuticals Inc., 1064 44th Street, Oakland, Calif. 94601 (NDA 12-009).

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, are as follows:

1. Neo-Antergan Maleate Tablets containing Pyrilamine maleate.

This drug has been evaluated by the following Panels:

- a. Panel on Drugs Used in Allergy
- b. Panel on Drugs Used in Dermatology II.
- c. Panel on Drugs Used in Gastroenterology

#### PANEL ON DRUGS USED IN ALLERGY

Indication: Hay fever.  
Evaluation: Effective.  
Comments: None.  
Indication: Acute and chronic urticaria and angioneurotic edema.

Evaluation: Effective, but \* \* \*.  
Comments: Antihistamines are useful only in the management of the cutaneous manifestations of angioedema and urticaria. More severe reactions involving laryngeal edema, for instance, may require the administration of epinephrine. The Panel suggests that "angioedema" is currently a more acceptable term than "angioneurotic edema."

Indication: Drug reactions.  
Evaluation: Effective.  
Comments: There are delayed allergic drug reactions, such as allergic pneumonitis, thrombocytopenia, and hemolytic anemia, that are unrelated to histamine release and therefore treatment with antihistamines would be of little benefit. Minor reactions characterized by urticaria or pruritus are thought to be related to histamine release, and antihistamines may be of benefit in these cases.

Although some studies have been done with this compound, specific data regarding this indication are unavailable or unsuitable.



Therefore, this evaluation is based on the informed opinion of the Panel.

Indication: Nonseasonal allergic and vasomotor rhinitis and seasonal allergic rhinitis.

Evaluation: Effective.

Comments: None.

Indication: Headache and migraine.

Evaluation: Possibly effective.

Comments: As a general rule, antihistamines are of little benefit in the treatment of headache or migraine headaches. However, reports of some uncontrolled studies describe the use of antihistamines in headache and describe benefit from these.

Although some studies have been done with this compound, specific data regarding this indication are unavailable or unsuitable. Therefore, this evaluation is based on the informed opinion of the Panel.

Indication: Bronchial asthma.

Evaluation: Possibly effective.

Comments: The use of antihistamines in the treatment of prophylaxis of asthma is unwarranted in the vast majority of cases. These agents may be useful in asthmatic children, some of whom may respond favorably. This response may be due to the sedative side effects of antihistamines. Antihistamines generally fail to improve the condition of asthmatic adults. In fact, there is some theoretical and clinical argument that these agents are contraindicated. Some asthmatics become more difficult to manage after treatment with antihistamines, possibly due to the drying effect of these drugs on respiratory secretions.

Indication: Insect bite.

Evaluation: Possibly effective.

Comments: Antihistamines may provide some relief of pruritus and edema secondary to insect bites. Severe allergic reactions to insect bites must be managed with appropriate standard measures.

Although some studies have been done with this compound, specific data regarding this indication are unavailable or unsuitable. Therefore, this evaluation is based on the informed opinion of the Panel.

Indication: Use of Neo-Antergan Maleate in desensitization procedures and when it is essential to use therapy which is known to be sensitizing.

Evaluation: Possibly effective.

Comments: Although it is evident that pretreatment with antihistamines will not prevent all the manifestations of an allergic reaction, it may prevent some of the milder manifestations. Antihistamines will not prevent sensitization. To suggest, as the package insert seems to, that the use of antihistamines may reduce severe allergic reactions is misleading. It should be emphasized that therapy to which the patient is not sensitive should be used, if at all possible. If this is not possible, then antihistamines may be used as an adjunct; standard desensitization procedures should be observed, as well as standard measures for the management of acute allergic reactions.

Although some studies have been done with this compound, specific data regarding this indication are unavailable or unsuitable. Therefore, this evaluation is based on the informed opinion of the Panel.

**General comments.** The paragraph in the package insert that deals with whether Neo-Antergan affects the tuberculin skin reactions should be deleted. The delayed hypersensitivity reaction, as represented by the tuberculin skin reaction, is not known to be mediated by, or related to, a release of histamine. Therefore, there is no basis for the thought that antihistamines may block or otherwise mask this reaction. Clinical experience has shown that antihistamines do not affect delayed hypersensitivity reactions.

#### Panel on Drugs Used in Dermatology II

Indication: For the symptomatic relief of allergic manifestations associated with: acute and chronic urticaria, angioneurotic edema.

Evaluation: Effective.

Comments: This product is an effective form of treatment in mild and uncomplicated cases of these types of allergic cutaneous reactions.

Indication: For the relief of pruritus associated with jaundice.

Evaluation: Possibly effective.

Comments: The Panel feels that this indication is not adequately substantiated and suggests that further studies be conducted so that the product's therapeutic value in this condition can be ascertained.

Indication: For the symptomatic relief of allergic manifestations associated with dermatitis (including neurodermatitis) eczema, insect bites, poison ivy, anogenital pruritus.

Evaluation: Possibly effective.

Comments: There is little evidence regarding the clinical effectiveness of systemic antihistamines in reducing these cutaneous reactions or their associated pruritus. While these products may produce sedation in some patients, they may produce no sedative effect or excitation in others. Thus, the Panel feels that the role of the product in the treatment of these conditions needs further evaluation so that its therapeutic value can be adequately ascertained.

Furthermore, the product has no prophylactic value against these various conditions and has no effect on the primary lesion.

#### PANEL ON DRUGS USED IN GASTROENTEROLOGY

Indication: "Anogenital pruritus, pruritus of jaundice \* \* \*

Evaluation: Possibly effective.

Comments: The information supplied by the manufacturer is insufficient to support claims of effectiveness for the above indications.

#### 2. Decapryn Syrup containing Doxylamine succinate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Hay fever.

Evaluation: Possibly effective.

Comments: The dosage recommended in this insert is one-fourth to one-half that found to be effective in clinical trials.

#### 3. Neohetramine Hydrochloride Tablets containing Thonzylamine Hydrochloride.

This drug has been evaluated by the following Panels:

a. Panel on Drugs Used in Allergy

b. Panel on Drugs Used in Ophthalmology

#### PANEL ON DRUGS USED IN ALLERGY

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Symptomatic relief of hay fever and nasal allergies.

Evaluation: Possibly effective.

Comments: This judgment is based on the fact that the dosage suggested in the insert, 25-50 mg, is one-fourth to one-half that found to be effective in the clinical trials of which the Panel is aware. Given in an effective dosage, thonzylamine hydrochloride is still one of the less-potent antihistaminic drugs.

#### PANEL ON DRUGS USED IN OPHTHALMOLOGY

Indication: For use in the symptomatic relief of weeping eyes associated with colds, hay fever and nasal allergies.

Evaluation: Effective.

Comments: None.

#### 4. Thephorin Tablets containing phenindamine tartrate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Relief of hay fever symptoms.

Evaluation: Possibly effective.

Comments: The suggested dose is below the range supported in the literature and by the experience of the Panel.

Indication: Relief of cold symptoms.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

#### 5. Inhiston Tablets containing Pheniramine maleate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Hay fever.

Evaluation: Possibly effective.

Comments: This is an effective antihistamine when given in adequate dosage. The dosage schedule recommended in this insert is one-half the dose found to be effective in the experience of the Panel.

Although some studies have been done with this compound, specific data regarding this indication are unavailable or unsuitable. Therefore, this evaluation is based on the informed opinion of the Panel.

**General comments.** The suggestion to "carry Inhiston tablets with you at all times" is inappropriate and misleading.

#### 6. Anahist Tablets containing Thonzylamine Hydrochloride. This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief of hay fever.

Evaluation: Possibly effective.

Comments: The dosage range suggested, 25-50 mg., is one-fourth to one-half that which has been studied clinically. In this dosage, thonzylamine hydrochloride is at best only partially effective in relieving symptoms in mild cases.

Indication: Allergies.

Evaluation: Ineffective.

Comments: "Allergies" is too inclusive and vague to allow meaningful evaluation. For many allergies (e.g., hay fever) the drug may well be effective when used in the proper dosage of 100 mg. every 3-4 hours. In



other manifestations of "allergies" (e.g., anaphylaxis) the drug is ineffective except as an adjunct.

Indication: Allergic colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

*General comments.* The statement on hay fever under "Directions" on the label needs modification. The words "as needed" should be added to the statement, "If relief is obtained within 2 days continue treatment throughout season." The Panel is unaware of any clear, positive evidence to support the implication in the statement that thonzylamine will prevent further symptoms. The manifestations of allergic disease involve a complex interaction between the host, concentration of antigen in the environment, susceptibility of the host to the antigen, and probably many other factors. The use of any agent as a prophylactic measure is at best controversial.

#### 7. Kriptin Tablets containing Pyrilamine Maleate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

The statements in the brochure that imply a cure for the common cold are completely unwarranted.

Indication: Symptomatic relief of hay fever.

Evaluation: Probably effective.

Comments: The section of the brochure entitled "Hint to Hay Fever Sufferers" contains false and misleading information and should be deleted from the insert.

Although some studies have been done with this compound, specific data regarding this indication are unavailable or unsuitable. Therefore, this evaluation is based on the informed opinion of the Panel.

*General comments.* The milligrams/tablet dosage of pyrilamine maleate is not given anywhere on the labeling. The dose should at least be on the package label.

#### 8. Histalon Tablets containing Pyrilamine Maleate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Symptomatic relief of hay fever.

Evaluation: Probably effective.

Comments: None.

#### 9. Boyle A-H Tablets containing Pyrilamine Maleate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Relief of symptoms of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Relief of symptoms of hay fever.

Evaluation: Probably effective.

Comments: The optimum dose for relief of hay fever is 50 mg. four times a day. At this dose, however, troublesome side effects, such as drowsiness, are very common.

#### 10. Afko-Hist tablets containing Pyrilamine Maleate.

This drug has been evaluated by the Panel on Drugs Used on Allergy.

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Symptomatic relief of hay fever.

Evaluation: Probably effective.

Comments: None.

#### 11. Pyrilamine Maleate Tablets, American Pharmaceutical Co.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Relief of symptoms of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Relief of symptoms of hay fever.

Evaluation: Probably effective.

Comments: None.

#### 12. Rexall Antihistamine Tablets containing Pyrilamine Maleate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Symptomatic relief of hay fever.

Evaluation: Probably effective.

Comments: None.

#### 13. Nisaval Tablets containing Pyrilamine Maleate.

This drug has been evaluated by the following Panels:

a. Panel on Drugs Used in Allergy.

b. Panel on Drugs Used in Dermatology.

#### PANEL ON DRUGS USED IN ALLERGY

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Symptomatic relief of hay fever.

Evaluation: Probably effective.

Comments: None.

#### PANEL ON DRUGS USED IN DERMATOLOGY

Indication: For prompt symptomatic relief in pruritus and contact dermatitis.

Evaluation: Possibly effective.

Comments: There is little evidence regarding the clinical effectiveness of systemic antihistamines in reducing these cutaneous reactions or their associated pruritus. While these products may produce sedation in some patients, they may produce no sedative effect or excitation in others. Thus, the Panel feels that the role of the product in the treatment of these conditions needs further evaluation so that its therapeutic value can be adequately ascertained.

Furthermore, the product has no prophylactic value against these various conditions and has no effect on the primary lesion.

Indication: For prompt, symptomatic relief in angioneurotic edema.

Evaluation: Effective.

Comments: This product is an effective form of treatment in mild and uncomplicated cases of these types of allergic cutaneous reactions.

#### 14. Pyrilamine Maleate Tablets, Direct Laboratories, Inc.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Symptomatic relief of hay fever.

Evaluation: Probably effective.

Comments: None.

#### 15. Ocas Antihistaminic Tablets containing Pyrilamine Maleate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Symptomatic relief of hay fever.

Evaluation: Probably effective.

Comments: None.

*General comments.* The package insert advises that the drug be given before meals. It is the opinion of the Panel that administration of any antihistaminic before meals may result in more gastrointestinal side effects.

#### 16. Bristamin Tablets containing Phenyltoloxamine Citrate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.



Indication: Symptomatic relief of colds.  
Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Symptomatic relief of hay fever.

Evaluation: Possibly effective.

Comments: The reference available in the literature, including those cited by the company, report studies that either were so poorly controlled as to make interpretation difficult or were done with a product different from plain phenyltoloxamine. Therefore, this judgment is based on the informed opinion and experience of the Panel.

#### 17. Statomin Maleate Tablets containing Pyrillamine Maleate.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

#### 18. Pyrillamine Maleate Nyscaps.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Relief of nasal congestion due to the common cold.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Relief of nasal congestion due to hay fever.

Evaluation: Probably effective.

Comments: None.

General comments: No evidence supporting the "timed release" feature of this product has been presented to the Panel.

#### 19. Pyrillamine Maleate Timed Disintegration Capsules, Direct Laboratories, Inc.

This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Relief of symptoms accompanying the common cold.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Relief of hay fever symptoms.

Evaluation: Probably effective.

Comments: None.

General comments: No evidence supporting the "timed disintegrating" feature of this product has been presented to the Panel.

#### 20. Pyrillex Timed Disintegrating Capsules and,

#### 21. Histine Timed Disintegrating Capsules containing Pyrillamine Maleate.

These drugs have been evaluated by the Panel on Drugs Used in Allergy.

Indication: Relief of nasal congestion due to the common cold.

Evaluation: Possibly effective.

Comments: The carefully controlled studies that have been performed have disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. Where allergic rhinitis is mistaken for a "cold," antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Relief of nasal congestion due to hay fever.

Evaluation: Probably effective.

Comments: None.

General comments: No evidence supporting the "timed disintegrating" feature of this product has been presented to the Panel.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6412, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 28, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-7729 Filed 5-22-72; 8:49 am]

[DESI 8630]

### CERTAIN OTC MENSTRUAL PRODUCTS Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. Pending the results of the OTC study of drugs in this class, action on these reports will be deferred in accordance with the proposal published in the FEDERAL REGISTER of April 20, 1972 (37 F.R. 7807) entitled "Over-the-Counter Drugs" concerning the status of drugs previously reviewed under the Drug Efficacy Study.

The following OTC drugs are included in this announcement:

1. M-Minus 5 Tablets containing pamabrom and phenacetin; Whittier Laboratories, 2101 Dempster Street, Evanston, Ill. 60201 (NDA 8-630).

2. Pre-Mens Tablets containing ammonium chloride, homatropine methyl-

bromide, caffeine, thiamine hydrochloride, riboflavin, pyridoxine hydrochloride, and niacinamide; the Purdue Frederick Co., 99-101 Saw Mill Road, Yonkers, N.Y. 10701 (NDA 9-089).

3. Cardui Brand Tablets containing phenacetin, salicylamide, and pamabrom; Chattem Drug Co., 1715 West 38th Street, Chattanooga, Tenn. 37409 (NDA 11-292).

4. Trendar Tablets containing acetaminophen, phenindamine tartrate, and pamabrom; Whitehall Laboratories, Division American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017 (NDA 11-740).

5. Pamprin Tablets containing phenacetin, salicylamide, pamabrom, and pyrilamine maleate; Chattem Laboratories, 1715 West 38th Street, Chattanooga, Tenn. 37409 (NDA 11-849).

6. Assure Tablets containing acetaminophen, adiphenine hydrochloride, and phenyltoloxamine dihydrogen citrate; Grove Division, Bristol-Myers Products, Post Office Box 7300, St. Louis, Mo. 63177 (NDA 12-274).

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, Panel on Drugs Used in Disturbances of the Reproductive System, are as follows:

1. M-Minus 5 Tablets containing pamabrom and phenacetin.

Indication: Premenstrual tension and dysmenorrhea.

Evaluation: Possibly effective.

Comments: M-Minus 5 contains phenacetin, which at the suggested dosage might possibly effect mild analgesia; however, the literature known to the Panel and that provided by the manufacturer inadequately document the usage of phenacetin specifically for pain associated with the disorders in question. In addition, there is no evidence to suggest what effect the pamabrom in this combination would have on the analgesic action of phenacetin. The documentation supporting efficacy of the two ingredients combined is inadequate, and these claims should be considered inappropriate unless the manufacturer supplies evidence that this combination of drugs provides more specific therapy for the syndrome in question than just the analgesic properties of phenacetin. A reference study pertains to the analgesic properties of phenacetin and also discusses the toxicity of this analgesic.

General comments. Under "Action," the second sentence states that the symptoms of premenstrual tension are related to overproduction of antidiuretic hormone and subsequent fluid retention. There is no documentation for this.

The Panel questions the statement that this preparation neutralizes the action of ADH and permits normal diuresis. This statement should be documented by the manufacturer or deleted.

The Panel emphasizes that in general it does not encourage fixed combinations. When more than one drug is indicated, the dosage and timing of each ingredient are better controlled by administering them individually. However, if evidence is introduced establishing efficacy and safety for combinations which are sold over the counter, the Panel is not opposed to their usage since nonphysicians cannot be expected to exercise the appropriate control over the individual ingredients.



2. Pre-Mens Tablets containing ammonium chloride, homatropine methylbromide, caffeine, thiamine hydrochloride, riboflavin, pyridoxine hydrochloride, and niacinamide.

Indication: Premenstrual tension.  
Evaluation: Probably effective.

Comments: This combination contains a diuretic, an antispasmodic, a stimulant, and four vitamins. The interaction of these pharmacologic agents has not been established by the manufacturer. The literature provided by the manufacturer does support the usefulness of this combination for premenstrual tension, but the Panel believes that additional evidence of efficacy provided by the manufacturer is needed to place this preparation in the "Effective" category.

General comments. The Panel emphasizes that in general it does not encourage fixed combinations. When more than one drug is indicated, the dosage and timing of each ingredient are better controlled by administering them individually. However, if evidence is introduced establishing efficacy and safety for combinations which are sold over the counter, the Panel is not opposed to their use since nonphysicians cannot be expected to exercise the appropriate control over the individual ingredients.

3. Cardul Brand Tablets containing phenacetin, salicylamide, and pamabrom.

Indication: Functional menstrual pain, cramps, headache, and premenstrual tension.  
Evaluation: Probably effective.

Comments: Cardul contains phenacetin, which at the suggested dosage would probably provide mild analgesia; however, the literature known to the Panel and that cited by the manufacturer inadequately document the use of phenacetin specifically for pain associated with the disorders in question. This combination also contains salicylamide, a nonsalicylate so-called analgesic, whose efficacy is questionable. In addition, there is no evidence to suggest what effect the pamabrom in this combination would have on the analgesic action of the phenacetin and salicylamide. The documentation supporting the efficacy of the three ingredients combined is inadequate and these claims should be considered inappropriate unless the manufacturer supplies evidence that this combination of drugs provides more specific therapy for the syndrome in question than just the analgesic properties of phenacetin. A reference study pertains to the analgesic properties of phenacetin and salicylamide, compared with other known analgesics. It does not, however, document the usefulness of this combination.

General comments. The Panel emphasizes that in general it does not encourage fixed combinations. When more than one drug is indicated, the dosage and timing of each ingredient are better controlled by administering them individually. However, if evidence is introduced establishing efficacy and safety for combinations which are sold over the counter, the Panel is not opposed to their use since nonphysicians cannot be expected to exercise the appropriate control over the individual ingredients.

4. Trendar Tablets containing acetaminophen, phenindamine tartrate, and pamabrom.

Indication: Premenstrual period and minor menstrual pain.  
Evaluation: Probably effective.

Comments: Trendar contains acetaminophen, which would presumably be effective for relief of pain associated with menstruation and the premenstrual period; however, the available literature inadequately documents its use specifically for the disorders

in question. In addition, there is no evidence to suggest what effect the phenindamine tartrate or pamabrom would have on the known analgesic action of acetaminophen. The documentation supporting the efficacy of this combination is optimistic, but too scanty to be considered adequate by the Panel. Additional well-controlled clinical trials should be cited by the manufacturer to establish that this combination is more specific therapy for the disorders in question than the known analgesic properties of acetaminophen. The first paper cited documents the general analgesic properties of acetaminophen; the second supports the use of theophylline-antihistamine combinations in premenstrual tension.

General comments. The Panel emphasizes that in general it does not encourage fixed combinations. When more than one drug is indicated, the dosage and timing of each ingredient are better controlled by administering them individually. However, if evidence is introduced establishing efficacy and safety for combinations which are sold over the counter, the Panel is not opposed to their use since nonphysicians cannot be expected to exercise the appropriate control over the individual ingredients.

5. Pamprin Tablets containing phenacetin, salicylamide, pamabrom, and pyrilamine maleate.

Indication: Relief from headache, painful menstrual cramps, low back pain, and many discomforts of premenstrual tension.  
Evaluation: Probably effective.

Comments: Pamprin contains phenacetin, which at the suggested dosage would probably provide mild analgesia; however, the literature known to the Panel and that cited by the manufacturer inadequately document the use of phenacetin specifically for the pain associated with the disorders in question. This combination also contains salicylamide, a nonsalicylate so-called analgesic, whose efficacy is questionable. In addition, there is no evidence to suggest what effect the pamabrom and pyrilamine maleate in this combination would have on the analgesic action of the phenacetin and salicylamide. The documentation supporting efficacy of antihistamine-theophylline combinations for premenstrual tension is optimistic; however, the literature supporting the usefulness of these four ingredients combined for the disorders in question is inadequate and these claims should be considered inappropriate unless the manufacturer supplies evidence that this combination of drugs provides more specific therapy for the syndrome in question than just the analgesic properties of phenacetin.

The first reference cited pertains to the analgesic properties of phenacetin and salicylamide; the other two support the usefulness of antihistamine-theophylline combinations in premenstrual tension. These papers do not, however, document the usefulness of the four ingredients combined.

General comments. The Panel emphasizes that in general it does not encourage fixed combinations. When more than one drug is indicated, the dosage and timing of each ingredient are better controlled by administering them individually. However, if evidence is introduced establishing efficacy and safety for combinations which are sold over the counter, the Panel is not opposed to their use since nonphysicians cannot be expected to exercise the appropriate control over the individual ingredients.

6. Assure Tablets containing acetaminophen, adiphenine hydrochloride, and phenyltoloxamine dihydrogen citrate.

Indication: Menstrual pain, discomfort, and irritability.

Evaluation: Probably effective.

Comments: The acetaminophen in this combination would presumably be effective for relief of pain associated with menstruation; however, the available literature supporting the use of this analgesic in dysmenorrhea is inadequate. There is no evidence to suggest what effect the addition of adiphenine hydrochloride or phenyltoloxamine dihydrogen citrate would have on the analgesic action of acetaminophen. Evidence would have to be supplied by the manufacturer that the three ingredients in this combination provide more specific therapy for the syndrome in question than just the analgesic properties of acetaminophen.

General comments. The Panel emphasizes that in general it does not encourage fixed combinations. When more than one drug is indicated, the dosage and timing of each ingredient are better controlled by administering them individually. However, if evidence is introduced establishing efficacy and safety for combinations which are sold over the counter, the Panel is not opposed to their use since nonphysicians cannot be expected to exercise the appropriate control over the individual ingredients.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 8630, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 28, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-7725 Filed 5-22-72; 8:49 am]

[DESI 484]

## CERTAIN OTC VITAMIN AND VITAMIN AND/OR MINERAL PREPARATIONS

### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. Pending the results of the OTC study of drugs in this class, action on these reports will be deferred in accordance with the "Proposal Establishing Status of Over-the-Counter Drugs Previously Reviewed Under the Drug Efficacy Study (DESI)" published in the FEDERAL REGISTER of April 20, 1972 (37 F.R. 7807).

The following OTC vitamin and vitamin and/or mineral drugs are included in this announcement.



1. Niacin Tablets, 50 mg., Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc., 527 Fifth Street, Bristol, Tenn. 37620 (NDA 484).

2. Brewer's Yeast Tablets, Mead Johnson Laboratories, Division of Mead Johnson & Co., 2404 Pennsylvania Street, Evansville, Ind. 47721 (NDA 0-637).

3. Bethiamin Elixir, Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc. (NDA 0-723).

4. Thiamine Chloride Solution, the Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, Pa. 18102 (NDA 1-384).

5. Ryzamin-B Syrup, Burroughs Wellcome & Co., Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 2-133).

6. Biotin Elixir, Tilden-Yates Laboratories Inc., 328 Shrewsbury Street, Worcester, Mass. 01604 (NDA 2-691).

7. Niacin Tablets, 50 mg., the Blue Line Chemical Co., 302 South Broadway, St. Louis, Mo. 63102 (NDA 2-959).

8. Eprolin Gelseals, Eli Lilly and Co., Box 618, Indianapolis, Ind. 46206 (NDA 3-188).

9. Becaplets, Tilden-Yates Laboratories Inc. (NDA 3-213).

10. Syrup Neo-Calglucon, Sandoz Pharmaceuticals, Division Sandoz-Wander, Inc., Route 10, Hanover, N.J. 07936 (NDA 3-290).

11. Tocopherex Capsules, Squibb Pharmaceutical Co., E. R. Squibb & Sons Inc., 909 Third Avenue, New York, N.Y. 10022 (NDA 3-353).

12. Tocopherols, Mixed, Capsules, 50 mg., Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 3-497).

13. Comin Capsules, Cole Pharmacal Co. Inc., 3721 Laclede Avenue, St. Louis, Mo. 63108 (NDA 3-697).

14. Niacin Tablets, 50 mg., the Vale Chemical Co. Inc. (NDA 3-800).

15. Beminal Tablets, Ayerst Laboratories, Division American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017 (NDA 3-993).

16. Elixir Sheramin, the Blue Line Chemical Co. (NDA 4-236).

17. Davitamin and Davitamin Fortified Capsules, Mallinckrodt Pharmaceuticals, Division Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis, Mo. 63160 (formerly Neisler Laboratories) (NDA 4-253).

18. Multivitamins Tablets, Smith, Miller & Patch Inc., 401 Joyce Kilmer Avenue, New Brunswick, N.J. 08902 (NDA 4-979).

19. Abdec Drops, Parke, Davis & Co. (NDA 5-787).

20. Redisol Tablets, Merck Sharp & Dohme, Division Merck & Co. Inc., West Point, Pa. 19486 (NDA 6-668).

21. Berubigen Capsules, the Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 7-037).

22. Rubramin Capsules and Rubramin Soluble Tablets, Squibb Pharmaceutical Co., E. R. Squibb & Sons, Inc. (NDA 7-149).

The NAS/NRC Drug Efficacy Study Group, Panel on Drugs Used in Metabolic

Disorders, made the following general statements on single-vitamin and multiple-vitamin preparations, which are applicable to preparations covered by this announcement and any similar preparations.

#### GENERAL STATEMENT ON SINGLE-VITAMIN PREPARATIONS

The Panel does not recognize the need for vitamin supplementation in healthy individuals eating an adequate diet. However, it does recognize the need for supplementation with single-vitamin preparations in certain segments of the population. It also recognizes the need for single-vitamin preparations in the therapy of vitamin-deficiency states. Therefore, it takes the following position toward all such preparations:

All should be appropriately labeled as either "supplemental" or "therapeutic." The recommended dosage on the label of each supplemental vitamin should provide an amount at least equivalent to the dietary allowances recommended by the Food and Nutrition Board of the National Academy of Sciences or by an equivalent body. Gross excesses should be avoided.

Any preparation labeled "therapeutic" should be so formulated so that the physician can prescribe adequate therapeutic amounts without the danger of toxicity.

The recommended dosage and labeling for any fat-soluble vitamin should include proper warning concerning possible toxicity.

The Panel favors the use of oral preparations when feasible.

#### GENERAL STATEMENT ON MULTIPLE-VITAMIN PREPARATIONS

The Panel does not recognize the need for multivitamin supplementation in healthy individuals eating an adequate diet. However, it does recognize the need for multiple-vitamin and mineral preparations in certain segments of the population. It also recognizes the lack of precise data on which rational formulation can be based. Therefore, it takes the following position toward all such preparations:

All should be appropriately labeled as either "supplemental" or "therapeutic."

The formulations of supplemental preparations should be based on dietary allowances recommended either by the Food and Nutrition Board of the National Academy of Sciences or by an equivalent body.

Any preparations labeled "therapeutic" should be so formulated that the physician can prescribe adequate therapeutic amounts without the danger of toxicity.

They should not contain disproportionate amounts of any nutrient that could be potentially hazardous in the recommended dosage. The recommended dosage and labeling for any fat-soluble vitamin should include proper warning concerning possible toxicity.

They should not contain nonessential materials.

The Panel favors the use of oral preparations when feasible.

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, are as follows:

1. Niacin Tablets, 50 mg.; Beecham-Massengill Pharmaceuticals, Division Beecham, Inc.

This drug was evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: Prophylaxis or treatment of niacin deficiencies.

Evaluation: Effective, but \* \* \*.

Comments: This preparation is considered effective as a therapeutic agent in niacin deficiency, but the recommended dose is considered excessive as a dietary supplement, and marginal for severe pellagra.

2. Brewer's Yeast Tablets; Mead Johnson & Co.

This drug was evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: "Provide a source of protein and of the nutritionally essential vitamins."

Evaluation: Effective, but \* \* \*.

Comments: This preparation is considered effective as a dietary supplement. However, the Panel has doubts about the rationale of this preparation. The doses of vitamins recommended are excessive in some instances for supplementation and at the same time inadequate in others for the therapy of deficiency states.

This indication was reevaluated as "Effective" with the following comment:

The recommended dose supplies a relatively small amount of protein and varying proportions of the required amounts of B vitamins. No claim for usefulness, other than the above indication, is made.

General comments. The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

Large doses (10-20g.) of this preparation will cure deficiencies of the B vitamins or prevent them in subjects on marginal intake. However, improvement of diet or supplemental purified vitamins represent a more practical approach to the management of deficiency.

3. Bethiamin elixir containing Thiamine Hydrochloride.

This drug was evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: Prevention of thiamine (vitamin B<sub>1</sub>) deficiencies.

Evaluation: Effective, but \* \* \*.

Comments: The recommended dose is considered excessive for dietary supplementation and inadequate and impractical for deficiency states. Also, because of the alcohol content, the Panel has serious doubts about the rationale of this preparation.

General comments. The Panel finds that the term "minimum daily requirements" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

This product falls into the category of "rejuvenators" with high alcoholic content.

4. Thiamine Chloride Solution; The Vale Chemical Co., Inc.

This drug was evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: In prevention and treatment of nutritional deficiencies due to lack of vitamin B<sub>1</sub>.

Evaluation: Effective, but \* \* \*.

Comments: This preparation is considered



effective as a dietary supplement. The recommended dose is considered inadequate and impractical for a deficiency state.

**General comments.** The Panel finds that the term "minimum daily adult" requirement is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

5. Ryzamin-B Syrup containing thiamine hydrochloride (vitamin B<sub>1</sub>), Riboflavin, and niacinamide.

This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: None.

**General comments.** The Panel has doubts about the rationale of this preparation. The doses of vitamins recommended are excessive in some instances for supplementation and at the same time inadequate in others for the therapy of deficiency states.

The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

The addition of rice-polishing concentrate in this multivitamin preparation is of unknown value.

6. Biotin Elixir containing thiamine hydrochloride.

This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: Dietary supplement in prophylaxis and treatment of vitamin B<sub>1</sub> deficiency.

Evaluation: Effective, but \* \* \*.

**Comments:** The suggested dosage available is 4 mg. per 5 cc., or a teaspoonful. The dosage recommended as a dietary supplement is considered excessive and on the other hand inadequate for severe thiamine deficiency. Also, because of the alcohol content, the Panel has serious doubts about the rationale of this preparation.

**General comments.** The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

This product falls into the category of "rejuvenators" with high alcoholic content.

7. Niacin Tablets, 50 mg.; the Blue Line Chemical Co.

This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: None.

**General comments.** Available for review is a label without a stated indication. The label notes a dose of 50 mg. per tablet, and claims that this is "therapeutic." That this vitamin is perhaps intended for a deficiency state, such as pellagra, should be stated, as well as the recommended dose.

8. Eprolin Gelseals containing tocopherols mixed type 4, 50 mg. and 100 mg.

These drugs have been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: None.

**General comments.** Available for review is a label without a stated indication. The dose recommended probably represents an excessive supplement for an individual. The company should state whether this is a supplement or a therapeutic dose.

9. Becaplets containing thiamine HCl, riboflavin, pyridoxine HCl, calcium pantothenate, niacinamide, and ascorbic acid. This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: Malnutrition.

Evaluation: Ineffective.

**Comments:** The term malnutrition is a general term which includes a deficiency of many nutrient substances other than vitamins. This preparation contains only vitamins. Hence, it would not be effective in caloric deficiency, protein deficiency, etc. The vitamin content of the preparation is satisfactory for a supplemental multivitamin preparation, but is a poor one for the treatment of vitamin deficiency. However, the dosage does indicate that larger amounts should be prescribed for severe deficiencies.

Indication:

a. Acute medical or surgical illness.

b. General debility.

Evaluation: Ineffective.

**Comments:** There is little evidence to support these vague claims. Theoretically, there is evidence of the need for adequate nutrition before, during and after surgery. What is not clear is how much. The indiscriminate administration of an oral vitamin preparation to all "debilitated" patients before and after surgery is not justifiable and will result in gross loss of the excess nutrients in the urine.

Indication: Retarded growth.

Evaluation: Ineffective.

**Comments:** The Panel finds this term vague and ill-defined. Even if there were an associated vitamin deficiency, the Panel would judge this preparation ineffective.

**General comments.** The Panel finds that the term "minimum daily adult requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

The Panel has doubts about the rationale of this preparation. The doses recommended are excessive in some instances for supplementation and at the same time inadequate in others for the therapy of deficiency states.

10. Syrup Neo-Calglucon containing calcium gluconogalactogluconate.

This drug has been evaluated by the following Panels:

a. Panel on Drugs Used in Metabolic Disorders.

b. Panel on Drugs Used in Disturbances of the Reproductive System.

PANEL ON DRUGS USED IN METABOLIC DISORDERS

Indication: Childhood growth period, to prevent calcium deficiency.

Evaluation: Effective.

**Comment:** The calcium provided by Syrup Neo-Calglucon is effective as a dietary supplement.

Indication:

a. Muscular (leg) cramps in pregnancy, menopause, etc.

b. Hyperirritability in infants (subclinical tetany).

Evaluation: Ineffective.

**Comment:** The above claims are considered vague, misleading, and unjustifiable. If they were associated with hypocalcemia or a calcium deficiency state, Neo-Calglucon would be considered effective.

Indication: Tetany and calcium deficiency associated with endocrine dysfunction (as supplement to parenteral calcium).

Evaluation: Effective, but \* \* \*.

**Comments:** Oral calcium salts are considered part of the treatment of calcium deficiency states. However, "associated with endocrine dysfunction" is considered vague,

ill-defined, and misleading, and therefore should be deleted. Also, the type of tetany should be more clearly defined (acute or chronic). With respect to dosage, the amount recommended would be consistent only if used in conjunction with other measures applied to the management of tetany. If the manufacturer means to use it only as a supplement to "parenteral calcium" for tetany and no other purpose, then dosage recommendations are adequate. But this depends on the dosage of parenteral calcium. Methods to ensure adequate levels of calcium (urine and serum calcium levels) should also be mentioned.

The advantages of giving calcium salts in interdigestive periods to ensure maximum absorption should be included as a comment. Furthermore, there should be comments with respect to diet (high phosphorus) and drugs (corticoids) that interfere with calcium absorption.

Indication: Osteoporosis as a source of dietary calcium.

Evaluation: Effective, but \* \* \*.

**Comments:** The use of calcium as a supplement in treatment of osteoporosis is established. The primary concern is that more specific designations as to the type of osteoporosis be included. Certain types of osteoporosis are corrected by removing the etiologic factors, and there is no evidence that calcium therapy needs to be continued, inasmuch as a normal diet is adequate.

**General comments.** The insert is considered inadequate in providing information regarding indications, precise recommended dosages, and toxicity as it may develop from prolonged calcium ingestion or sustained hypercalcemia and hypercalciuria. Recommendations regarding measurements of serum and urine calcium should be included. How else is adequate dosage to be gauged?

The current list of references is entirely inadequate and does not provide sufficient material as it pertains to the specific indications of tetany and osteoporosis.

PANEL ON DRUGS USED IN DISTURBANCES OF THE REPRODUCTIVE SYSTEM

Indication: During pregnancy and lactation, to maintain normal calcium balance.

Evaluation: Probably effective.

**Comments:** It is the opinion of the Panel that this preparation contains calcium in a form that will be satisfactorily absorbed from the gastrointestinal tract. It has been the experience of members of the Panel that patients find Syrup Neo-Calglucon to be a palatable medication and one that rarely provokes gastrointestinal irritation. However, in the opinion of the Panel, no satisfactory evidence has been presented to demonstrate that "normal calcium balance" will be maintained during pregnancy and lactation by ingestion of the doses recommended in the package insert. Additional support of the stated claim should be provided by the manufacturer or the wording of the claim should be modified.

Indication: Muscular (leg) cramps in pregnancy, lactation, etc.

Evaluation: Possibly effective.

**Comments:** The Panel knows of no satisfactory evidence to support these claims. The indication should be considered inappropriate unless sound documentation supporting these claims is supplied by the manufacturer.

11. Tocopherex Capsules containing d-alpha tocopheryl acetate, 25 IU and 100 IU.

These drugs have been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: For use as a dietary supplement.



Evaluation: Effective, but \* \* \*.

Comments: No claims of efficacy are made on the label. However, the inference is clear that a human need for vitamin E supplementation exists. The references cited support such an inference. However, this matter is far from settled, except perhaps in prematurity or in those instances in which humans are consuming grossly abnormal diets. Obviously, these capsules are not intended for premature infants. It is true that low serum vitamin E levels are seen in a cross-section of generally malnourished persons, but their significance remains uncertain. Because no specific claims are made, the Panel cannot deny its efficacy as a dietary supplement.

12. Tocopherols, Mixed, Capsules containing mixed tocopherols concentrate. This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: None.

General comments. Available for review is a label without a stated indication. The recommended dose probably represents an excessive supplement for an individual.

The company has indicated that it is preparing a new label to "cover the drug" for (1) vitamin E deficiency and (2) prophylaxis. Obviously, vitamin E will cure and prevent vitamin E deficiency. Undeniably there would be only a rare need, but it may exist.

The Panel is not in agreement with the last three references cited by the manufacturer. There is no evidence that vitamin E is helpful in any muscular disorder of man or in treating menopausal symptoms.

13. Comin Capsules containing Thiamine hydrochloride, riboflavin, niacinamide, pyridoxine hydrochloride, calcium pantothenate, liver desiccated, and brewer's yeast.

This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: As a dietary supplement.

Evaluation: Effective, but \* \* \*.

Comments: This preparation is considered effective as a dietary supplement. However, the Panel has doubts about the rationale of this preparation. The doses recommended are excessive in some instances for supplementation and at the same time inadequate in others for the therapy of deficiency states. This indication was reevaluated as "Effective" with the following comment.

This preparation is considered effective as a dietary supplement but the Panel has reservations about its rationale. The product could be improved by reformulation to include vitamins recognized as essential.

General comments. The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

The addition of desiccated liver and brewer's yeast in a multivitamin capsule is inappropriate.

14. Niacin Tablets, 50 mg.; the Vale Chemical Co., Inc.

This drug was evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: Niacin deficiencies or as directed by the physician.

Evaluation: Effective, but \* \* \*.

Comment: This preparation is considered effective as a therapeutic agent in niacin deficiency, but the recommended dose is considered marginal for severe pellagra.

15. Beminal Tablets containing Thiamine Mononitrate, Riboflavin, Niacin-

amide, Pyridoxine HCl, d-panthenol, and dried Yeast.

This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: Dietary supplement.

Evaluation: Effective, but \* \* \*.

Comments: This preparation is considered effective as a dietary supplement. However, the Panel has doubts about the rationale of this preparation. The doses recommended are excessive in some instances for supplementation and at the same time inadequate in others for the therapy of deficiency states.

This indication was reevaluated as Effective with the following additional comment:

Although the Panel considers Beminal effective as a dietary supplement, it doubts the rationale of the preparation in that the recommended doses for some vitamins are excessive and others, known to be essential, are not included in the formula. The product could be improved by reformulation.

General comments. The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

The addition of brewer's yeast in multivitamin capsules is inappropriate.

16. Elixir Sheramin containing Thiamine Hydrochloride.

This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: As a dietary supplement.

Evaluation: Effective, but \* \* \*.

Comments: The preparation is considered effective as a dietary supplement for thiamine. However, because of the alcohol content, the Panel has serious doubts about the rationale of this preparation.

General comments. The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

This product falls in the category of "rejuvenators" with high alcoholic content.

17. Davitamin Capsules containing Vitamin A, Vitamin D, Thiamine Mononitrate, Riboflavin, Niacinamide, Pyridoxine HCl, Calcium Pantothenate, Ascorbic Acid, and d-Alpha Tocopheryl Acetate Conc., and

Davitamin Fortified Capsules containing Vitamin A, Vitamin D, Thiamine Mononitrate, Riboflavin, Niacinamide, Pyridoxine HCl, Calcium Pantothenate, Cyanocobalamin, Ascorbic Acid, d-Alpha Tocopheryl Acetate Conc., Calcium, Phosphorus, Iron, Magnesium, Manganese, Potassium, and Zinc.

These drugs have been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: As a dietary supplement.

Evaluation: Effective, but \* \* \*.

Comments: These preparations are considered effective as dietary supplements. However, the Panel has doubts about the rationale of these preparations. The doses recommended are excessive in some instances for supplementation and at the same time inadequate in others for the therapy of deficiency states.

This indication was reevaluated as Effective with the following additional comments:

These preparations are considered effective as dietary supplements. However, the

Panel has doubts about their rationale in that the dosage of some vitamins is excessive for supplementation and others, known to be essential, are not included. The product could be improved by reformulation.

General comments. The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

18. Multivitamins Tablets; Smith, Miller & Patch, Inc., containing Vitamin A, Thiamine hydrochloride, Riboflavin, Ascorbic acid, Vitamin D, Niacinamide, Panthenol, Folic acid, and Cyanocobalamin.

This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: Vitamin supplement.

Evaluation: Effective, but \* \* \*.

Comments: This preparation is considered effective as a dietary supplement. However, the Panel has doubts about the rationale of this preparation. The doses recommended are excessive in some instances for supplementation and at the same time inadequate in others for the therapy of deficiency states.

This indication was reevaluated as Effective with the following additional comments:

This preparation is considered effective as a dietary supplement. However, the Panel has reservations about the rationale of the product in that it does not include all vitamins known to be essential. It could be improved by reformulation.

General comments. The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

19. ABDEC Drops containing Vitamin A, Vitamin D, Ascorbic Acid, Thiamine HCl, Riboflavin, Pyridoxine HCl, Niacinamide and Pantothenic Acid.

This drug has been evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indication: Prevention of certain vitamin deficiencies, particularly in children.

Evaluation: Effective, but \* \* \*.

Comments: This preparation is considered effective as a dietary supplement.

This indication was reevaluated as Effective with the following comment:

Although the Panel considers ABDEC Drops effective as a dietary supplement it doubts the rationale of the preparation in that it does not provide for all the vitamins known to be essential. The product could be improved by reformulation.

General comments. The Panel finds that the term "minimum daily requirement" is meaningless because variations in nutritional needs depend on the health, sex, age, and physical activity of the individual. The term "dietary allowances" is preferred.

20. Tablets Redisol containing Cyanocobalamin 25 mcg. and 50 mcg.

These drugs have been evaluated by the Panel on Drugs Used in Hematologic Disorders.

Indication: For use as a dietary supplement.

Evaluation: Effective, but \* \* \*.

Comments: Although claims have been made for the value of cyanocobalamin in the therapy of a variety of conditions, including various forms of malnutrition, the



only established therapeutic use of cyanocobalamin is in the treatment of vitamin B<sub>12</sub> deficiency.

Dietary supplementation with oral vitamin B<sub>12</sub> is recommended for strict vegetarians who refuse to eat any food of animal origin, the major dietary source of vitamin B<sub>12</sub>.

#### 21. Berubigen Capsules containing Cobalamin.

This drug has been evaluated by the Panel on Drugs Used in Hematologic Disorders.

Indication: For use as a dietary supplement.

Evaluation: Effective, but \* \* \*.

Comments: Although claims have been made for the value of cyanocobalamin in the therapy of a variety of conditions, including various forms of malnutrition, the only established therapeutic use of cyanocobalamin is in the treatment of vitamin B<sub>12</sub> deficiency.

Dietary supplementation with oral vitamin B<sub>12</sub> is recommended for strict vegetarians who refuse to eat any food of animal origin, the major dietary source of vitamin B<sub>12</sub>.

This indication has been reevaluated as effective with the following additional comment:

A 25 mg. tablet of vitamin B<sub>12</sub> is indicated only as a dietary supplement. Such a supplement is needed only by those who subsist upon only vegetables and such vegetable derivatives as vodka. These vitamin B<sub>12</sub> tablets should not be used to treat pernicious anemia because of the danger to the nervous system which is inherent in undertreatment of that disease. It is recommended that the label state "NOT to be used in pernicious anemia."

#### 22. Rubramin Capsules and Rubramin Soluble Tablets containing Cyanocobalamin.

These drugs have been evaluated by the Panel on Drugs Used in Hematologic Disorders.

Indication: For use as a dietary supplement.

Evaluation: Effective, but \* \* \*.

Comments: Although claims have been made for the value of cyanocobalamin in the therapy of a variety of conditions, including various forms of malnutrition, the only established therapeutic use of cyanocobalamin is in the treatment of vitamin B<sub>12</sub> deficiency.

Dietary supplementation with oral vitamin B<sub>12</sub> is recommended for strict vegetarians who refuse to eat any food of animal origin, the major dietary source of vitamin B<sub>12</sub>.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 484, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355), and under authority delegated to the

Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 28, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-7727 Filed 5-22-72; 8:49 am]

[DESI 602]

### MISCELLANEOUS OTC PREPARATIONS

#### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. Pending the results of the OTC study of drugs in this class, action on these reports will be deferred in accordance with the proposal published in the FEDERAL REGISTER of April 20, 1972 (37 F.R. 7807) entitled "Over-the-Counter Drugs" concerning the status of drugs previously reviewed under the Drug Efficacy Study.

The following OTC drugs are included in this announcement:

1. Meta Cine Douche Powder Concentrate containing citric acid, lactose, papain, methyl salicylate, eucalyptol, menthol, and chlorothymol; Brayten Pharmaceutical Co., 1715 West 38th Street, Chattanooga, Tenn. 37409 (NDA 602).

2. Betadine Douche containing povidone-iodine; The Purdue Frederick Co., 99-101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 10-288).

3. Soda Lime (Indicating) containing soda lime and clayton yellow; Mallinckrodt Chemical Works, 3600 North Second Street, St. Louis, Mo. 63160 (NDA 2-876).

4. Nutramigen Powder containing protein hydrolysate; Mead Johnson Laboratories, Division Mead Johnson & Co., 2404 Pennsylvania Street, Evansville, Ind. 47721 (NDA 4-008).

5. Cephalin Cholesterol Mixture (powder for reconstitution for in vitro use) containing cephalin and cholesterol; Wilson Laboratories, Prudential Plaza, Chicago, Ill. 60601 (NDA 4-518).

6. Johnson's Baby Lotion containing hexachlorophene (deleted from currently marketed formula) and acetylated lanolin; Johnson & Johnson, 501 George Street, New Brunswick, N.J. 08901 (NDA 6-544).

7. Polysorb containing beeswax, spermaceti, mineral oil, white petrolatum, and sorbitan sesquioleate; E. Fougera & Co., Inc., Cantigue Road, Post Office Box 73, Hicksville, Long Island, N.Y. 11802 (NDA 7-292).

8. Covicone Cream containing dimethicone, nitrocellulose, and castor oil; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 8-545).

9. Silicote Ointment containing dimethicone and white petrolatum; Arnar-Stone Laboratories, Inc., 601 East Kensington Road, Mount Prospect, Ill. 60056 (NDA 8-612).

10. Aeroplast Dressing containing vibesate; Aeroplast Corp., 420 Delaware Avenue, Dayton, Ohio 45403 (NDA 9-038).

11. Rezifilm Surgical Spray Dressing containing ethoxyethyl methacrylate polymer and thiram; E. R. Squibb and Sons, Inc., 909 Third Avenue, New York, N.Y. 10022 (NDA 11-541).

12. Scan Spray-On Wound Dressing containing cellulose acetate butyrate and 2-ethylhexyl diphenyl phosphate; Johnson & Johnson (NDA 11-969).

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, are as follows:

1. Meta Cine Douche Powder Concentrate containing citric acid, lactose, papain, methyl salicylate, eucalyptol, menthol, and chlorothymol.

This drug has been evaluated by the Panel on Drugs Used in Disturbances of the Reproductive System.

Indication: As a vaginal douche.  
Evaluation: Effective, but \* \* \*. (Subsequently reevaluated as effective.)

Comments: Douching is overused by some women and does not cure disease. It may, however, offer partial or temporary relief of some vaginal symptoms, such as itching and odor, when infection is present. In addition this type of vaginal hygiene may be of psychologic benefit to some women. External cleanliness of the vulvar tissues should be emphasized, because odor in the absence of vaginitis usually originates from this area.

2. Betadine Douche containing povidone-iodine.

This drug has been evaluated by the Panel on Drugs Used in Disturbances of the Reproductive System.

Indication: As a vaginal douche.  
Evaluation: Effective, but \* \* \*.

Comments: Douching is overused by some women and does not cure disease. It may, however, offer partial or temporary relief of some vaginal symptoms, such as itching and odor, when infection is present. In addition, this type of vaginal hygiene may be of psychologic benefit to some women. External cleanliness of the vulvar tissues should be emphasized, because odor in the absence of vaginitis usually originates from this area.

3. Soda Lime (Indicating) containing soda lime and clayton yellow as indicator.

This drug was evaluated by the Panel on Drugs Used in Anesthesiology.

Indication: Soda Lime is indicated as an efficient carbon dioxide absorbent for use in rebreathing equipment.

Evaluation: Effective.  
Comments: Over 25 years of use have proved this product absorbs carbon dioxide, and that this reaction causes its indicator to change color.

4. Nutramigen Powder containing protein hydrolysate.

This drug was evaluated by the Panel on Drugs Used in Metabolic Disorders.

Indications: None.

General comments: There is no definite claim for therapeutic use. The Panel recommends that there be a clear statement as to the use of this preparation.

Nutramigen is widely used in pediatric practice for a variety of disorders. Included is "allergy to milk," which was probably the reason for development of the product. There is considerable difference of opinion as to how frequently milk allergy occurs. Nevertheless,



Nutramigen has enjoyed wide popularity in the treatment of gastrointestinal disorders in infants. One reason may be that most cases of "milk allergy" are probably other types of gastrointestinal disorders, and if recovery occurs while the patient is taking Nutramigen, it is given credit for the cure. There is no doubt that Nutramigen is effective in patients who are actually allergic to milk proteins. Recently, however, attention has been focused on the carbohydrate component of Nutramigen, which is a nonlactose sugar. Absence of galactose from the formula makes it an effective source of nutrition for infants with galactosemia, lactose intolerance, and galactose intolerance, whether congenital or acquired.

#### 5. Cephalin Cholesterol Mixture containing cephalin and cholesterol.

This drug was evaluated by the Panel on Drugs Used in Gastroenterology.

Indications: "For the diagnosis of active liver damage."

Evaluation: Possibly effective.

Comments: The claim that it is possible "to distinguish between obstructive and parenchymatous jaundice" is not properly qualified to indicate a significant number of false negative and false positive tests occur.

General comments. Because the test is empirical, there is no satisfactory method to standardize it or to determine that the reagents are in satisfactory condition. For this reason, most laboratories have substituted tests that measure specific constituents and can be standardized, for example, albumin, gamma globulin and its subfractions, and serum enzymes (such as glutamic oxalacetic transaminase).

The package insert states that the test is more sensitive than most of the usual functional tests. This is no longer true.

The claim that the test is a reliable guide to prognosis is overstated, failing to indicate that this is true only in a statistical sense and that in individual cases there may be significant discrepancy between the results of this test and the clinical or pathological state of the disease.

#### 6. Johnson's Baby Lotion containing hexachlorophene (deleted from currently marketed formula) and acetylated lanolin.

This drug was evaluated by the Panel on Drugs Used in Dermatology II.

Indication: Helps smooth and protect baby's delicate skin.

Evaluation: Effective.

Comments: None.

#### 7. Polysorb containing beeswax, spermaceti, mineral oil, white petrolatum, and sorbitan sesquiolate.

This drug was evaluated by the Panel on Drugs Used in Dermatology.

Indication: Effective lotion for all dry skin problems such as dry hand eczema, heel fissures, chronic dry skin, and chapping.

Evaluation: Effective, but \* \* \*. (Subsequently reevaluated as effective.)

Comments: The company must modify or support its inflated claims for efficacy in all dry skin problems for there is no evidence that it is superior to any other emollient.

Indication: Polysorb hydrate is a specific for dry skin, and should not be confused with cosmetic type creams or lotions. It offers the dual action of aiding in the rehydration and lubrication of the top skin layer (keratin) and at the same time protects cells from further moisture loss.

Evaluation: Effective, but \* \* \*. (Subsequently reevaluated as effective.)

Comments: The company must modify or support its inflated claims of therapeutic

value for there is no evidence it is superior to any other emollient.

Indication: Polysorb hydrate has been medically accepted for many years as a highly effective means for combating dry skin of the hands.

Evaluation: Effective, but \* \* \*. (Subsequently reevaluated as effective, adding the same comments as made for the first indication.)

Comments: The claim for being medically accepted as a highly effective product needs to be documented or deleted from the labeling.

Indication: Winter itch and chapping or chafing are also common complaints. Polysorb hydrate applied to the affected dry skin area will give prompt, soothing relief.

Evaluation: Effective, but \* \* \*.

Comments: The company needs to support its claims for prompt soothing relief for there is no evidence that it is superior to any other emollient.

Subsequently reevaluated as effective, adding the same comments as made in the first indication.

Indication: The daily care of legs and feet through applications of small quantities of Polysorb hydrate will help alleviate dry skin, and lessen the risk of fissuring and scaling.

Evaluation: Effective.

Comments: None.

#### 8. Covicone Cream containing dimethicone, nitrocellulose, and castor oil.

This drug has been evaluated by the Panel on Drugs Used in Dermatology.

Indication: Protects skin from: poison ivy, allergens and contact dermatitis.

Evaluation: Ineffective.

Comments: The Panel feels there is not adequate support for these claims, and unless the company can substantiate them, they should be removed from the package insert.

Indication: Protects skin from: dishpan hands, everyday irritants. Protects baby skin. Speeds cleanup of hands after painting, gardening, etc. Prevents chafing and chapping.

Evaluation: Effective, but \* \* \*. (Subsequently reevaluated as effective.)

Comments: The labeling should state that the product helps protect against these various irritants.

#### 9. Silicote Ointment containing dimethicone, and white petrolatum.

This drug was evaluated by the Panel on Drugs Used in Dermatology.

Indication: To protect skin against external irritants such as soap and water, detergents, acids, alkalies, drugs, cutting oils, body secretions, etc. By protecting skin against irritation, Silicote favors healing of such conditions as soap and water dermatitis, diaper rash, industrial dermatitis, chapping, etc.

Evaluation: Effective, but \* \* \*.

Comments: The Panel doubts that the product can protect the user from strong chemicals and feels that the insert should indicate that the product should be used only to help protect the skin from mild irritants.

Also, they recommended deletion of the "etc." at the end of each sentence in the "Indication" section for it gives the user the impression of a protective value beyond the product's actual capabilities.

This indication was subsequently reevaluated as effective with the following additional comment:

Claims stronger than "for dishpan hands" should be omitted or supported by appropriate studies.

#### 10. Aeroplast dressing containing vibesate.

This drug was evaluated by the Panel on Drugs Used in Dermatology.

Indication: Spray-on plastic bandage and protective surgical dressing and cuts, abrasions, and minor burns.

Evaluation: Effective.

Comments: None.

#### 11. Rezifilm Surgical Spray Dressing containing ethoxyethyl methacrylate polymer and thiram.

This drug was evaluated by the Panel on Drugs Used in Dermatology.

Indication: A plastic spray dressing for preoperative and postoperative use.

Evaluation: Effective.

Comments: None.

#### 12. Scan Spray-on Wound Dressing containing cellulose acetate butyrate and 2-ethylhexyl diphenyl phosphate.

This drug was evaluated by the Panel on Drugs Used in Dermatology.

Indication: Sterile dressing postoperatively and for superficial cuts, bruises, and minor burns.

Evaluation: Effective.

Comments: The Panel feels that the company should explain why the label states "For Professional Use Only," but the Form A indicates the product as "over-the-counter."

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 602, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 3, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-7728 Filed 5-22-72; 8:49 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-368]

### ARKANSAS POWER AND LIGHT CO.

#### Establishment of Atomic Safety and Licensing Board

On April 13, 1972, the Commission published in the FEDERAL REGISTER (37 F.R. 7357) a notice of hearing concerning the application for a construction permit for a pressurized water nuclear reactor filed by the Arkansas Power and Light Co. That notice indicated the Safety and



Licensing Board for this proceeding would be designated at a later date, and the notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2—Rules of Practice and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Emmeth A. Luebke, Dr. John R. Lyman and Mr. Jerome Garfinkel, Chairman. Dr. Ernest O. Salo has been designated as a technically qualified alternate and Mr. Michael Glaser has been designated as an alternate qualified in the conduct of administrative proceedings.

The date and place of a prehearing conference and of a hearing will be set by the Board. Notice as to dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of May 1972.

JAMES R. YORE,  
Executive Secretary, Atomic  
Safety and Licensing Board  
Panel.

[FR Doc.72-7773 Filed 5-22-72;8:50 am]

[Docket No. 50-358]

#### CINCINNATI GAS & ELECTRIC CO. ET AL.

#### Notice and Order for Evidentiary Hearing

In the matter of Cincinnati Gas & Electric Co., Columbus & Southern Ohio Electric Co., Dayton Power and Light Co. (William H. Zimmer Nuclear Power Station).

The Atomic Energy Commission by its "Notice of Hearing on Application for Construction Permit," dated March 3, 1972, ordered a hearing to consider the application filed under the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50 "Licensing of Production and Utilization Facilities", for a construction permit for a boiling water nuclear reactor designed to operate at approximately 2,436 thermal megawatts with a net electrical output of approximately 810 megawatts. The proposed facility, designated as the William H. Zimmer Nuclear Power Station, is to be located at the applicants' site 24 miles southeast of Cincinnati on the Ohio side of the Ohio River near Moscow, Ohio. The Atomic Safety and Licensing Board in this case was duly appointed to conduct this hearing.

A prehearing conference called by the Board was held in Batavia, Ohio, on Friday, May 12, 1972, by notice given on April 21, 1972. Inter alia, the Board noted that in view of the extraordinarily large number of requests for limited appearances (approximately 70) filed pursuant to the Commission's notice of hearing each limited appearance participant would be encouraged to submit written comments and would be limited to no

more than 5 minutes of oral comment on the record.

Take notice: *And it is hereby ordered*, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission that the initial session of evidentiary hearing in this proceeding shall convene at 9:30 a.m., local time, on Thursday, June 1, 1972, in the Meeting Room of the Holiday Inn North, 2235 Sharon Road Exit, Cincinnati, Ohio 45241. This meeting room was obtained in order to accommodate the large number of participants expected.

In response to the statement of the Board proposing to allocate time for limited appearances, an interested member of the public asserted that such allocation of time was insufficient and requested that it be increased. Accordingly, in order to permit as much time as possible to each of the limited appearance participants and to permit the evidentiary hearing to be conducted in an orderly manner, the Board will permit up to 10 minutes of oral comments from each limited appearance participant at the first day of the evidentiary hearing. The Board will accept written comments from such participants for the record.

Issued: May 17, 1972, Washington, D.C.

By order of the Atomic Safety and  
Licensing Board.

JOHN B. FARMAKIDES,  
Chairman.

[FR Doc.72-7718 Filed 5-22-72;8:45 am]

[Docket No. 50-309]

#### MAINE YANKEE ATOMIC POWER CO.

#### Order Reconvening Prehearing Conference

Before the Atomic Safety and Licensing Board in the matter of Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), Docket No. 50-309.

The prehearing conference in the above-captioned matter will reconvene on May 26, 1972, at 10 a.m. in—

Room 2008, Federal Office Building No. 7,  
726 Jackson Place (entrance on 17th  
Street), Washington, DC.

Issued: May 18, 1972, Washington, D.C.

For the Atomic Safety and Licensing  
Board.

ROBERT M. LAZO,  
Chairman.

[FR Doc.72-7717 Filed 5-22-72;8:45 am]

[Docket No. PRM-40-16]

#### NL INDUSTRIES, INC.

#### Filing of Petition

Notice is hereby given that NL Industries, Inc., 1130 Central Avenue, Albany, NY, by letter dated April 21, 1972, has filed with the Atomic Energy Commission a petition for rule making to amend § 40.13 of 10 CFR Part 40 by addition of the following exemption from the licensing requirements of Part 40:

Uranium contained in tool holders for vibrational dampening: *Provided, That:*

a. Each tool holder shall contain no more than 13 pounds of depleted uranium.

b. The tool holder is manufactured in accordance with a specific license issued by the Commission authorizing distribution by the licensee pursuant to § 40.13.

c. Each tool holder has been indelibly marked with a legend approved by the Commission as a condition of the manufacturer's license.

d. The exemption shall not be deemed to authorize repair, modification or alteration of any such tool holder in such a manner as to decrease the effectiveness of the shielding and containment afforded by the steel member of the tool holder.

The tool holder, commonly called a boring bar, is used in industrial machining and is provided with mechanisms which prevent vibration and enhance machining characteristics. The petition states that the depleted uranium is an important part of this mechanism because of its density. Each tool holder would contain a maximum of 13 pounds of depleted uranium in the form of a solid metal bar. The common sizes expected to be marketed would contain an average of 3 pounds of depleted uranium. The uranium inserts would be plated with either nickel or cadmium. The petitioner indicates that the design of the device is such that the uranium would be totally contained in a welded steel member.

A copy of the petition for rule making, including the petitioner's statement of the basis and justification for the petition, is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of the petition may be obtained by addressing a request to the Rules and Procedures Unit at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Procedures Unit, Office of Administration, Office of the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER.

Dated at Germantown, Md., this 16th day of May 1972.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary of the Commission.

[FR Doc.72-7761 Filed 5-22-72;8:48 am]

#### CIVIL AERONAUTICS BOARD

[Docket No. 24243]

#### COMPANIA DE AVIACION "FAUCETT", S.A.

#### Notice of Postponement of Hearing

Pursuant to the request of Compania De Aviacion "Faucett", S.A., and the



agreement of the Bureau of Operating Rights, the hearing in the above-entitled proceeding, previously scheduled for May 25, 1972 (37 F.R. 9146), is hereby postponed until June 28, 1972, at 10 a.m., local time, in Room 1031, Universal Building, North, 1875 Connecticut Avenue NW., Washington, DC.

Faucett shall provide its responses to the request of the Bureau for evidence and its direct testimony on or before June 22, 1972.

[SEAL] E. ROBERT SEAVER,  
Hearing Examiner.

[FR Doc.72-7786 Filed 5-22-72; 8:51 am]

[Docket No. 23780, etc.]

## YOUTH AND STUDENT FARES IN FOREIGN AIR TRANSPORTATION

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 8, 1972, at 10 a.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the documents which are included in the Docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 18, 1972.

[SEAL] EDWARD T. STODOLA,  
Hearing Examiner,

[FR Doc.72-7787 Filed 5-22-72; 8:51 am]

## CIVIL SERVICE COMMISSION

### HEALTH SCIENTIST (EPIDEMIOLOGY), RESEARCH TRIANGLE PARK, N.C.

#### Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 13, 1972 for a single position of Health Scientist (Epidemiology) GS-610-13, Research Triangle Park, N.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.72-7785 Filed 5-22-72; 8:51 am]

## NOTICES

## COUNCIL ON ENVIRONMENTAL QUALITY ENVIRONMENTAL IMPACT STATEMENTS

### Notice of Availability

Environmental impact statements, received by the Council on Environmental Quality, May 8-May 12, 1972.

NOTES: 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.

#### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

##### Final, May 4

Water Bank Program. Proposed incentive payments to landowners and operators for preserving wetlands and conserving migratory waterfowl habitat and other wildlife resources. Under the program 10-year agreements would be entered into with consenting landowners. Selected areas (having eligible wetlands and high potential for migratory waterfowl nesting) are located in 56 counties of 13 States. The action would help reduce the loss of wetlands, preserve wildlife habitat, reduce water runoff, and maintain water-table levels. Comments made by EPA and DOI. (ELR Order No. 4367, 64 pages) (NTIS Order No. PB-206 159-F)

#### FOREST SERVICE

##### Final, May 3

New Mexico and Arizona. Proposed granting of rights-of-way to the Tucson Gas and Electric Co. for construction of a single 345 kv. powerline from Waterflow, N. Mex., to Tucson, Ariz. The total length of the project is 403 miles, with 256.5 miles in New Mexico and 146.5 miles in Arizona. The primary impact of the line will be its visual one upon the landscape. Comments made by USDA, EPA, FPC, DOI, State and local agencies, and concerned citizens. (ELR Order No. 4358, 299 pages) (NTIS Order No. PB-204 960-F)

#### RURAL ELECTRIFICATION ADMINISTRATION

##### Draft, May 9

New Madrid, Mo. Proposed granting of loan requests by the Federated Electric Cooperative, Inc., in order to finance 189 miles of 345 kv. transmission line between Dixon and New Madrid, Mo.; and construction of a new substation near Palmyra. The route will traverse the Clark National Forest and several rivers, including the Gasconade, which has been designated for possible addition to the National Wild and Scenic Rivers System. Comments made by USDA, EPA, FPC, DOI, DOT, and State agencies. (ELR Order No. 4401, 176 pages) (NTIS Order No. PB-208 958-D)

#### ATOMIC ENERGY COMMISSION

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

### Draft, May 5

For Calhoun Station, Unit No. 1, Washington County, Nebr. Proposed continuation of the construction permit and issuance of an operating permit to the Omaha Public Power District for the startup and operation of Unit 1. The unit will employ a pressurized water reactor to produce up to 1,420 MWT and a steam-turbine generator to provide 457 MWe (net). A "stretch" power level of 1,500 MWT and 457 MWe is anticipated and considered in the statement. Condenser cooling water will be heated to 18° F. above ambient and discharged at 800 cubic feet per second to a bend in the Missouri River. (ELR Order No. 4370, 106 pages) (NTIS Order No. PB-208 889-D)

Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Ala. Proposed issuance of a construction permit to the Alabama Power Co. for the plant. The station will consist of two pressurized water reactors, each with a capacity of 2,660 MWT and 861 MWe, and a maximum "stretch" power of 2,774 MWT and 898 MWe. The units would be cooled by a closed-cycle system using mechanical-draft towers. Water would be utilized from the Chattahoochee River. Low concentrations of radioactive gaseous effluents will be released to the environment; some fish will be impinging on intake filters; and some land will be taken out of cultivation. (ELR Order No. 4382, 205 pages) (NTIS Order No. PB-208 888-D)

#### DEPARTMENT OF DEFENSE

#### DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, 202-695-2889.

##### Final, May 11

Arnold Engineering Development Center, Coffee and Franklin Counties, Tenn. Proposed use of the Air Force facility by the Tennessee National Guard. Use of tracked vehicles will damage trees; agricultural use of 200 acres will be terminated; a wild turkey flock, deer, and other wildlife will be dislocated from the 2,500-acre tract. Comments by USDA, DOI, and other State agencies. (ELR Order No. 4427, 39 pages) (NTIS Order No. PB-203 238-F)

#### DEPARTMENT OF ARMY

#### Corps of Engineers

Contact: Col. William L. Barnes, Executive Director of Civil Works, Attention: DAEN-CWZ-C, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202-693-7168.

##### Draft, May 1

Hannibal Locks and Dam, Ohio River, Ohio and West Virginia. Proposed construction of a nonnavigable gated dam with two lock chambers, and appurtenant structures; existing facilities would be removed. Approximately 1,200 acres of riverbank area would be inundated by the project. (ELR Order No. 4330, 46 pages) (NTIS Order No. PB-208 648-D)

Atchafalaya River Channel Project, Assumption, St. Mary, and Terrebonne Counties, La. Proposed enlargement of existing navigation channels in the Atchafalaya River and Bayou Chene, Boeuf, and Black to 20' x 400'. The purpose is to permit passage of large offshore oil rigs and related equipment. Approximately 350 acres of land would be dredged and 7,000 acres covered with spoil. (ELR Order No. 4335, 46 pages) (NTIS Order No. PB-208 663-D)



## Draft, May 4

Cordell Hull Dam and Reservoir, Nashville, Tenn. Proposed construction of a dam with navigation lock, a 100 MW powerplant, a spillway, and a 13,920-acre reservoir. Construction is 80 percent complete. (ELR Order No. 4368, 24 pages) (NTIS Order No. PB-208 849-D)

## Draft, May 5

Port Everglades Harbor, Broward County, Fla. Proposed deepening and modifying of harbor dimensions in order to enable the handling of larger ships. Approximately 2,940,000 cubic yards of material would be dredged by the action, and a submerged reef formed. Increased pollution of the harbor could result from use by larger ships. (ELR Order No. 4375, 51 pages) (NTIS Order No. PB-208 873-D)

## Draft, May 9

Santa Clara River, Los Angeles County, Calif. Proposed construction of channelization works and levees along several stream tributaries of the Santa Clara River. Natural stream habitat would be lost. (ELR Order No. 4399, 96 pages) (NTIS Order No. PB-208 961-D)

Deemers Beach, Del., and Kelly Point, N.J. Proposed approval of a permit application by Delmarva Power and Light Co. to contract an aerial transmission wire across the Delaware River. The line will have aesthetic (visual) impact and will restrict recreational boating. (ELR Order No. 4407, 14 pages) (NTIS Order No. PB-208 951-D)

## DEPARTMENT OF THE NAVY

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

## Draft, May 9

Naval Station, Newport, R.I. Proposed construction of a permanent berth for a floating dry dock. A 700' x 180' area would be dredged from its present depth of 50 feet to 55 feet. Marine life will be disturbed and/or destroyed at the sites of dredging and dumping. (ELR Order No. 4404, 11 pages) (NTIS Order No. PB-208 959-D)

## DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Matters, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

## ECONOMIC DEVELOPMENT ADMINISTRATION

## Draft, May 5

Santa Rosa, Sonoma County, Calif. Proposed construction of water and sewer lines to serve a 200-acre industrial site. Increases in population density and decreases in air and water quality will occur. (ELR Order No. 4372, 61 pages) (NTIS Order No. PB-208 850-D)

## FEDERAL POWER COMMISSION

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

## Draft, May 8

Project No. 271, Hot Spring and Garland Counties, Ark. Proposed approval of an application by the Arkansas Power and Light Co. for a renewal license on Project 271. Two developments are involved, the first consisting of a dam, reservoir, and a 56,000 kw., two-generator powerhouse; the second consisting of a dam, reservoir, and a three-generator 9,300 kw. powerhouse. (ELR Order No. 4395, 68 pages) (NTIS Order No. PB-208 882-D)

## Draft, May 9

Green Springs, Ohio. Proposed sale by Columbia LNG Corp. of 250,000 Mcf daily of pipeline quality SNG to the Columbia Transmission Corp. A plant is under construction at Green Springs which will utilize light hydrocarbon liquids (delivered via a 16-inch pipeline from Alberta, Canada) in the production of the gas. The construction of the pipeline will affect land, water, and wildlife resources over the proposed route. (ELR Order No. 4406, 60 pages) (NTIS Order No. PB-208 957-D)

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Mr. Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEW, Washington, D.C. 20202, 202-962-2241.

## Draft, May 9

Rule making on polychlorinated biphenyls (PCBs) in food. Proposed establishment of rules in the food processing industry in order to prevent PCB contamination of foods. The provision would require the elimination of PCB-containing materials from animal feed, food, and food-packaging material establishments. (ELR Order No. 4403, 53 pages) (NTIS Order No. PB-208 960-D)

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard Broun, Director, Environmental and Land Use Planning Division, Office of Community Goals and Standards, Office of Assistant Secretary for Community Planning and Management, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-6193.

## Draft, May 4

Trinity River Greenbelt, Dallas County, Tex. Proposed acquisition of 2,113 acres of underdeveloped flood plain land within the levees of the Trinity River for use as park and recreation area under HUD's Open Spaces Land Program. (ELR Order No. 4363, 17 pages) (NTIS Order No. PB-208 800-D)

## Draft, May 8

Armand Bayou Park, Harris County, Tex. Proposed acquisition of 550 acres of primitive land to be preserved as a conservation area under HUD's Open Space Land Program. (ELR Order No. 4388, 11 pages) (NTIS Order No. PB-208 890-D)

## Draft, May 9

Downtown Urban Renewal Area, Washington, D.C. Proposed use of redevelopment or "disposition" controls to aid redevelopment of five urban renewal sites in the retail core of the downtown urban renewal area. These controls would establish permitted uses, height, lot occupancy, floor-area ratio, off-street parking and loading regulations for the sites. The dislocation of small retail business establishments will result. (ELR Order No. 4402, 157 pages) (NTIS Order No. PB-208 956-D)

## DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

## BUREAU OF RECLAMATION

## Draft, May 8

North Side Collection System, Frying Pan-Arkansas Project, Colorado. The project consists of an arrangement of diversion dams, conduits, and tunnels designed to intercept and transport an average annual 18,400 acre-feet of water runoff from the north tributaries of the Fryingpan River to the Arkansas Valley. The system will divert water from the Colorado River Basin to the Arkansas River Valley, increasing the salinity of the Colorado River while improving the water quality of the Arkansas; require construction of 13 miles of access roads, 11.4 miles of tunnels and conduits, and clearance of 156 acres, creating an aesthetic impact. (ELR Order No. 4394, 89 pages) (NTIS Order No. PB-208 955-D)

## NATIONAL PARK SERVICE

## Draft, May 5

Fossil Butte National Monument, Wyo. The statement is concerned with a legislative proposal to establish an 8,180-acre Fossil Butte National Monument. The area is one of the largest concentrations of fossilized fresh water fish in the nation. (ELR Order No. 4373, 18 pages) (NTIS Order No. PB-208 871-D)

Grant-Kohrs Ranch National Historic Site, Mont. The statement is concerned with a legislative proposal to establish the ranch as a National Historic Site. The ranch would serve as a visible interpretation of the range cattle industry, especially in its frontier aspects. (ELR Order No. 4374, 16 pages) (NTIS Order No. PB-208 872-D)

## DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Program Co-ordination, 400 Seventh Street SW., Washington, DC 20590, 202-426-4355.

## FEDERAL AVIATION AGENCY

## Final, May 1

Ottumwa Airport, Wapello County, Iowa. Proposed acquisition of land for the installation of ILS and ALS. One family will be displaced by the project. Comments made by USDA, DOC, EPA, DOI, and State agencies. (ELR Order No. 4329, 18 pages) (NTIS Order No. PB-207 235-F)

Hemphill Airport, Sabine County, Tex. Proposed acquisition of land, construction of a new N/S runway, taxiway, access road, radio beacon, etc., for a new airport which would serve light piston-power aircraft. An unspecified amount of land will be committed to the project. Comments made by USDA, COE, EPA, DOI, DOT, and State agencies. (ELR Order No. 4331, 50 pages) (NTIS Order No. PB-206 262-F)

Jasper Airport, Pickens County, Ga. Proposed acquisition of land and construction of a general utility airport to handle all propeller aircraft of less than 12,500 pounds. One hundred acres of land will be committed to the project; one residence will be displaced. Comments made by USDA, EPA, DOI, DOT, State and local agencies. (ELR Order No. 4332, 66 pages) (NTIS Order No. PB-204 959-F)

Manti-Ephraim Airport, Sanpete County, Utah. Proposed acquisition of land, extension of runway, and relocation of powerlines. Four acres of land will be committed to the project. Comments made by USDA, DOC, FPC, HEW, HUD, DOI, and DOT. (ELR Order No. 4333, 32 pages) (NTIS Order No. PB-207 064-F)



Dade County Airport, Dade County, Ga. Proposed construction of a new general utility airport adequate for 95 percent of propeller-driven aircraft of less than 12,500 pounds. Ten acres of land will be committed to the project. Comments made by USDA, EPA, DOI, DOT, State and local agencies. (ELR Order No. 4334, 50 pages) (NTIS Order No. PB-205 578-F)

#### Final, May 10

Fremont Airport, Newaygo County, Mich. Proposed acquisition of land and expansion of existing facilities. A new 5,500' x 100' N/S runway would be built along with a terminal building; an existing runway would be extended, VASI, REIL, and medium intensity lighting installed, and utilities relocated. Two families will be displaced by the action. Comments made by USDA, COE, EPA, HEW, HUD, DOI, DOT, State and local agencies, and concerned citizens. (ELR Order No. 4417, 60 pages) (NTIS Order No. PB-206 182-F)

John F. Kennedy Memorial Airport, Ashland County, Wis. Proposed extension of a runway, installation of REIL, medium intensity lighting, etc. Approximately 111 acres will be committed to the project. Comments made by USDA, COE, EPA, HEW, DOI, DOT, State and local agencies. (ELR Order No. 4418, 29 pages) (NTIS Order No. PB-205 925-F)

Antler Municipal Airport, Pushmataha, Okla. Proposed development of a new airport for use by light propeller-driven aircraft, including a 60' x 3,300' runway. Comments made by USDA, COE, EPA, HEW, DOI, DOT, State and local agencies. (ELR Order No. 4419, 51 pages) (NTIS Order No. PB-206 859-F)

Goldsby Airport, McClain County, Okla. Proposed reconstruction and extension of an existing runway, installation of medium intensity lighting and VASI-II, etc. Comments made by USDA, COE, EPA, HEW, DOI, DOT, and State agencies. (ELR Order No. 4430, 54 pages) (NTIS Order No. PB-206 108-F)

Golden Valley County Airport, N. Dak. Proposed land acquisition and construction of a new airport, with a 3,400' x 60' runway. Comments made by USDA, COE, DOC, EPA, HUD, DOI, and DOT. (ELR Order No. 4431, 34 pages) (NTIS Order No. PB-207 236-F)

Fort Valley Airport, Perry, Ga. Proposed construction of airport facilities capable of accommodating 70 percent of the basic transport fleet of turbo-jet aircraft weighing less than 60,000 pounds. Ten acres will be committed to the clear zone. Comments made by EPA, DOI, DOT, State and local agencies. (ELR Order No. 4432, 43 pages) (NTIS Order No. PB-207 070-F)

#### FEDERAL HIGHWAY WORKS ADMINISTRATION

#### Draft, April 28

US, 169, Allen and Neosho Counties, Kans. Proposed construction of 22 miles of relocated four-lane highway. Several alternate routes are presently under consideration. (ELR Order No. 4302, 58 pages) (NTIS Order No. PB-208 734-D)

#### Draft, May 3

State Highway 3, Pontotac and Coal Counties, Okla. Proposed relocation and reconstruction of 12.5 miles of two-lane S.H. 3. Three residences and 450 acres will be lost to the project. (ELR Order No. 4353, 17 pages) (NTIS Order No. PB-208 732-D)

#### Draft, May 2

Project S-0487(5), Racine County, Wis. Proposed construction of 2.4 miles of two-lane rural roadway. Comments made by EPA, HEW, DOI, and one regional agency. (ELR Order No. 4345, 18 pages) (NTIS Order No. PB-202 426-F)

Project I-24-1(2), McCracken County, Ky. Proposed construction of 4.072 miles of new four-lane highway. Twenty-four residences would be displaced by the action. Comments made by USDA, EPA, HUD, DOI, TVA, DOT, and State agencies. (ELR Order No. 4346, 53 pages) (NTIS Order No. PB-208 731-F)

U.S. 50, Ford County, Kans. Proposed reconstruction of 0.7 mile of four-lane highway, in urban Dodge City. Comments made by USDA, Army COE, USCG, EPA, HEW, DOI, and State agencies. (ELR Order No. 4347, 31 pages) (NTIS Order No. PB-201 771-F)

I-380, Linn County, Iowa. Proposed construction of two, three-lane roadways in urban Cedar Rapids. Total project length is 1.2 miles. Eighty families and 16 businesses will be displaced by the project. Comments made by USDA, EPA, DOI, State and local agencies. (ELR Order No. 4348, 30 pages) (NTIS Order No. PB-200 765-F)

FAS Route 266, Lycoming County, Pa. Proposed reconstruction of 0.53 mile of two-lane roadway, including one bridge. Comments made by EPA and State agencies. (ELR Order No. 4349, 58 pages) (NTIS Order No. PB-202 121-F)

State Highway 320, Falls and Bell Counties, Tex. Proposed reconstruction of 10.3 miles of two-lane highway, 2.5 miles of it on new location. One business will be displaced by the action. Comments made by USDA, Army COE, EPA, HEW, HUD, and local agencies. (ELR Order No. 4350, 40 pages) (NTIS Order No. PB-202 719-F)

State Route 56, Athens County, Ga. Proposed construction of 2.6 miles of two-lane highway, on new location. An unspecified number of residences and amount of acreage will be committed to the project; one dairy farm will be severed by the action. Comments made by EPA, HUD, DOI, and State agencies. (ELR Order No. 4352, 27 pages) (NTIS Order No. PB-204 160-F)

#### Draft, May 3

State Route 70, Fulton County, Ga. Proposed relocation and reconstruction of 2 miles of S.R. 70. Depending upon the route chosen displacements will number from 11 to 40 residences and one church. The project is a segment of nearby airport expansion and additional feature displacements could result. (ELR Order No. 4361, 82 pages) (NTIS Order No. PB-208 729-D)

State Route 66, St. Louis, Mo. Proposed replacement of an existing bridge over the River Des Peres. A 4(f) statement may be required as land may be taken from a local park. (ELR Order No. 4362, 18 pages) (NTIS Order No. PB-208 730-D)

#### Draft, May 4

State Highway 27, Sparta, Wis. Proposed reconstruction of 1.16 miles of S.H. 27. Two residences and one business will be displaced by the action. (ELR Order No. 4365, 16 pages) (NTIS Order No. PB-208 874-D)

Project ADP-(200)25, Mercer County, Va. Proposed construction of 4.8 miles of new, four-lane divided highway. One creek will be channelized and an unspecified number of residences will be displaced by the project. (ELR Order No. 4366, 58 pages) (NTIS Order No. PB-208 886-D)

#### Draft, May 5

F.A.S. Route 6318, Hennepin County, Minn. Proposed construction of 3.5 miles of four-lane divided highway, which will compose the last segment of a 15-mile connector between I-494 and I-94. Fifty persons and two businesses would be displaced by the project. (ELR Order No. 4369, 29 pages) (NTIS Order No. PB-208 883-D)

#### Draft, May 8

U.S. 30N, Bannock and Caribou Counties, Idaho. Proposed construction of 15.6 miles of new, two-lane highway. A 4(f) statement will be required as parkland would be crossed. (ELR Order No. 4396, 33 pages) (NTIS Order No. PB-208 881-D)

Dekalb Street, Cleveland County, N.C. Proposed construction of 0.7 mile of roadway in urban Shelby. Forty families and one business would be displaced by the project. (ELR Order No. 4398, 21 pages) (NTIS Order No. PB-208 879-D)

#### Draft, May 5

Regulatory Modernization Act of 1971. The statement analyses the potential environmental impact of bills S. 2842 and H.R. 11826, legislation which is currently before Congress. The legislation would modify the current regulatory structure covering surface transportation; in particular the abandonment of under-utilized railway lines is discussed. (ELR Order No. L371, 16 pages) (NTIS Order No. PB-208 851-D)

#### Final, May 2

Project S-3234, Gregg County, Tex. Proposed construction of Loop 485, a four-lane, 2.1 mile connector between U.S. 271 and U.S. 80. Two residences will be displaced by the project. Comments made by EPA. (ELR Order No. 4340, 46 pages) (NTIS Order No. PB-201 239-F)

S-5127, Montgomery County, Ala. Proposed paving of 2 miles of rural gravel roadway. Comments made by USDA, Army COE, DOC, EPA, DOI, DOT, State and regional agencies. (ELR Order No. 4341, 33 pages) (NTIS Order No. PB-202, 322-F)

U.S. 3, Belknap County, N.H. Proposed construction of a bridge and approaches, totaling 0.75 mile in length. Three residences and three businesses would be displaced by the action. Comments made by USDA, USCG, EPA, HEW, HUD, DOI, OEO, DOT, and one regional agency. (ELR Order No. 4342, 50 pages) (NTIS Order No. PB-203 227-F)

U.S. 98, Mobile County, Ala. Proposed relocation and reconstruction of 13.66 miles of U.S. 98, from two to four lanes. Eleven families would be displaced and 414 acres lost to the project. Comments made by USDA, DOD, EPA, HUD, DOI, DOT, State and local agencies. (ELR Order No. 4343, 48 pages) (NTIS Order No. PB-199 256-F)

State Route 60, Zanesville, Ohio. Proposed construction of 1.2 miles of S.R. 60, including a bridge over the Muskingham River. An unspecified number of residences and businesses will be committed to the project. Comments made by Army COE, DOC, EPA, DOI, DOT, and State agencies. (ELR Order No. 4344, 41 pages) (NTIS Order No. PB-202 425-F)



Final, May 5

I-90, King County, Wash. Proposed construction of a 10-lane freeway, I-90, across Mercer Island, a large island in Lake Washington. Total project length is 3 miles. An unspecified number of residences and amount of land will be lost to the project. A 4(f) statement will be required as land would be taken from Luther Burbank Park. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, State, local, and regional agencies. (ELR Order No. 4378, 129 pages) (NTIS Order No. PB-208 870-F)

I-90, King County, Wash. Proposed construction of 3.08 miles of 10-lane I-90, from SR-5 to the west shore of Mercer Island, in urban Seattle. An unspecified number of residences and amount of land will be lost to the project. A 4(f) statement will be required as land would be taken from two local parks. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, State, local, and regional agencies. (ELR Order No. 4379, 163 pages) (NTIS Order No. PB-208 867-F)

Final, May 8

Project T-3072(10), Santa Clara, Calif. Proposed widening of two streets (F.A.P. 65 and F.A.S. Route 1009) at their intersection, and installation of traffic signals. Two residences and two businesses will be lost to the project. A 4(f) statement is required as land will be taken from a city park. Comments made by DOI and regional agencies. (ELR Order No. 4380, 49 pages) (NTIS Order No. PB-208 842-F)

Final, May 5

U.S. 81-287, Wise County, Tex. Proposed reconstruction of 8.2 miles of highway from two to four lanes. Seven families would be displaced by the action. (ELR Order No. 4381, 33 pages) (NTIS Order No. PB-201 842-F)

Final, May 8

U.S. 70, Jones and Craven Counties, N.C. Proposed reconstruction from two to four lanes, of 19 miles of U.S. 70. Comments made by USDA, COE, GSA, HEW, DOI, OEO, State, and local agencies. (ELR Order No. 4383, 80 pages) (NTIS Order No. PB-208 877-F)

NC 24, Cumberland County, N.C. Proposed construction of a five-lane highway across the Cape Fear River. Eight families and five businesses would be displaced. Portions of two streams will be channelized and land will be taken from a local park, necessitating a 4(f) statement. Comments made by USDA, COE, EPA, GSA, HUD, DOI, and OEO. (ELR Order No. 4384, 48 pages) (NTIS Order No. PB-208 878-F)

US-131, Montcalm, Mecosta, and Osceola Counties, Mich. Proposed relocation and reconstruction to freeway standards, of 41 miles of US-131. Approximately 30 residences and a similar number of farms will be displaced by the project, depending upon the route chosen. A 4(f) statement may be filed, as several recreation sites are located in the proposed corridor. Comments made by USDA, Army COE, DOC, EPA, DOI, DOT, and State agencies. (ELR Order No. 4387, 209 pages) (NTIS Order No. PB-200 937-F)

Project T-3067(4), Sacramento County, Calif. Proposed construction of a 0.4 mile highway overpass, over the main lines of the Southern Pacific Railway. An unspecified number of displacements will occur. (ELR Order No. 4392, 69 pages) (NTIS Order No. PB-208 952-F)

Final, May 10

U.S. 62, Grady County, Okla. Proposed reconstruction, partially on new location, of 7.6 miles of U.S. 62. Two additional lanes will be added to the existing two. Nine families and two businesses will be displaced by the action; 120 acres will be committed. Comments made by DOI and State agencies. (ELR Order No. 4412, 25 pages) (NTIS Order No. PB-200 188-F)

BRIAN P. JENNY,  
Acting General Counsel.

[FR Doc.72-7715 Filed 5-22-72;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### MOTOR VEHICLE POLLUTION CONTROL

#### Suspension Request; Notice and Procedures for Public Hearing

Section 202(b)(5)(A) of the Clean Air Act, as amended, provides that at any time after January 1, 1972, any automobile manufacturer may file with the Administrator an application requesting the suspension for 1 year only of the effective date, with respect to that manufacturer, of the carbon monoxide or hydrocarbon (or both) emission standards applicable to light duty vehicles manufactured beginning with the model year 1975. Section 202(b)(5)(D) provides that the Administrator shall make his determination with respect to any such application within 60 days.

If the Administrator determines that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles manufactured during model year 1975. Section 202(b)(5)(C) provides that such interim standards shall reflect the greatest degree of emission control which the Administrator determines is available, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers.

Section 202(b)(5)(D) provides that the Administrator shall issue a decision granting such suspension after a public hearing and only if he determines that (1) such suspension is essential to the public interest or the public health and welfare of the United States, (2) all good faith efforts have been made to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (4) the study and investigation of the National Academy of Sciences and other information available to him have not indicated that technology, processes, or other alternatives are available to meet such standards.

On April 26, 1972, American Motors Corp. filed with the Administrator an application for a 1-year suspension with respect to that company, of the effective date of the 1975 emission standards. A public hearing on this application, and any other such applications received by the Environmental Protection Agency on or before June 1, 1972, will be held in Washington, D.C., commencing at 10 a.m. on June 7, 1972, at the Thomas Jefferson Memorial Auditorium, Department of Agriculture, South Agriculture Building, 14th and Independence Avenue NW.

A subpoena has been issued to American Motors Corp., requiring that American Motors Corp. attend the hearing and respond under oath to questions propounded by the hearing panel.

The public hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the action requested of the Administrator by the applicant.

Any person desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of their proposed statement with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3609, 401 M Street SW., Washington, DC 20460, not later than June 1, 1972. Written statements and information may be submitted to the Director, Mobile Source Enforcement Division, at the above address for inclusion in the record of the hearing at any time prior to completion of the hearing.

The hydrocarbon and carbon monoxide emission standards for model year 1975 light-duty vehicles subject to suspension are contained in 40 CFR 85.21 (a). The application and such portions of the applicant's supporting documentation as may properly be made public will be available for public inspection in the Office of Public Affairs, Environmental Protection Agency, Room 3241, 401 M Street SW. 20460. Any person may obtain copies of public portions of the applications as provided for by 40 CFR Part 2.

Procedures: Since the public hearing is designed to give all interested members of the public an opportunity to participate in this proceeding, participants may present data, views, arguments, or other pertinent information concerning the action requested of the Administrator and may submit written questions to be propounded to the applicant by the hearing panel to the extent practicable. Appropriate representatives of the applicant will be required to attend the hearing and respond to questions propounded by the hearing panel. Questions submitted by the public to be propounded to a witness may be submitted to the hearing panel any time prior to the completion of the testimony by such witness. The panel may limit the length of oral presentations, may exclude irrelevant or redundant material or questions, and may direct that corroborative material be submitted in writing rather than presented orally.



Presentations by participants shall be addressed exclusively to the following considerations:

1. Whether the requested suspension is essential to the public interest or the public health and welfare of the United States.

2. Whether the applicant has made all good faith efforts to meet the standard or standards for which suspension is sought.

3. Whether the applicant has shown that there is not available effective control technology, processes, operating methods, or other alternatives that would enable the applicant to achieve compliance prior to the effective date of such standards.

4. Whether the study conducted by the National Academy of Sciences and other information indicate that technology, processes, or other alternatives are available for any manufacturer to meet such standards.

5. What interim standards for the 1975 model year would reflect the greatest degree of emission control achievable by available technology, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers.

A verbatim transcript of the proceeding will be made and copies will be available from the reporter at the expense of any person requesting them.

Dated: May 17, 1972.

WILLIAM D. RUCKELSHAUS,  
Administrator.

[FR Doc. 72-7719 Filed 5-22-72; 8:48 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report 596]

### COMMON CARRIER SERVICES INFORMATION <sup>1</sup>

#### Domestic Public Radio Services Applications Accepted for Filing <sup>2</sup>

MAY 15, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the pre-

viously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity

rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

#### APPLICATIONS ACCEPTED FOR FILING

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 7921-C2-P-72—Southwestern Bell Telephone Co. (KKB858), relocate antenna operating on 152.63 MHz at the south edge of the city limits of Huntsville, Tex.
- 7922-C2-P-(2)-72—Southern Radio-Phone, Inc. (KSV941), for additional facilities as follows: Location No. 1: Off highway U.S. No. 1, Sugar Loaf Key, Fla., add 72.28 MHz for repeater and at a new site location No. 2: 122 Southwest Fifth Avenue, Homestead, FL, add 75.98 MHz for control.
- 7923-C2-P-(4)-72—Western Mobilphone, Inc. (KKM582), change the antenna system and replace the transmitter operating on 152.15 MHz; add 152.09 MHz base; add 459.35 MHz repeater, all are at location No. 1: Sandia Mountain Crest, 9 miles northeast of Albuquerque, N. Mex., and add 454.35 MHz control facilities at location No. 2: 1000 Second Street NW, Albuquerque, NM.
- 7924-C2-AL-72—McCall Telephone Answering Service, consent to assignment of license from McCall Telephone Answering Service, assignor, to Tel-Page Corp., assignee, Station: KEC513 Buffalo, N.Y.
- 7925-C2-P-72—Mahaffey Message Relay (New), for a new two-way station to be located at 1 mile east of Munford, Tenn., to operate on 152.12 MHz.
- 7926-C2-P-72—Answer, Inc., of San Antonio (KKG559), change the antenna system operating on 152.06 and 152.09 MHz at location No. 2: 8332 Fredericksburg Road, San Antonio, TX.
- 7927-C2-P-(3)-72—Airsigal International, Inc. (KKE964), for additional facilities to operate on 454.075, 454.175, and 454.125 MHz at a new site described as location No. 2: 1010 Milan Street, Houston, TX.
- 7928-C2-P-72—Western Communications Service (KKG416), replace transmitters operating on 459.050 MHz repeater at location No. 2: 1.5 mile east-northeast of Big Lake, Tex., and location No. 3: 17 miles north of San Angelo, Tex.
- 7968-C2-P-72—Vernon Telephone Cooperative (New), for a new two-way station to be located at 3.75 miles southwest of Westby, Wis., to operate on 152.69 MHz.
- 7969-C2-P-72—Airvoice, Inc. (New), for a new two-way station to be located at Murphy Mill Road, 1 mile south of Americus, Ga., to operate on 152.18 MHz.
- 7970-C2-P-72—Gabriel Communications Corp., doing business as Mobile Dispatching Service (KIR204), for additional facilities to operate on 454.050 MHz at location No. 2: 4015 Southwest First Street, Plantation, FL.
- 7971-C2-P-72—The Ohio Bell Telephone Co. (KQD612) (air-ground), to establish auxiliary test facilities to operate on 459.700 MHz at 2024 Valley Street, Dayton, OH.
- 8063-C2-AL-72—Ace Answering Service, consent to assignment of license from W. S. White doing business as Ace Answering Service, assignor, to Jack B. McCordle, doing business as Electronic Answering Service, assignee, Station KFFJ889 Del Rio, Tex.
- 8082-C2-TC-72—North Carolina Telephone Co., consent to transfer of control from the present stockholders of North Carolina Telephone Co., transferors, to: Mid-Continent Telephone Corp., transferee, Station: KIY787 Marshville, N.C.

#### Major Amendment

- 4251-C2-P-72—Airphone Co. (KCC266), amended to add a FM transmitter on base frequency 35.58 MHz with 15F2, 16F3 emissions. See Public Notice No. 579, dated January 17, 1972.

INFORMATIVE: 529-C2-P-(3)-71—Blackers Communications Division, Inc. (New), 8.5 miles south-southwest of Marsing, Idaho, control of applicant corporation transferred from Blacker Appliance and Furniture of Caldwell, Inc., to Earl Coulter and Boyd Bridges. See Report No. 503, dated August 3, 1970.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency 152.24 MHz

#### Alabama

Loftin's Transfer & Storage Co., Inc., doing business as Mobilephone System (New), 3824-C2-P-72.

John T. Hubbard, doing business as Radio Dispatch Co. (New), 5655-C2-P-72.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

<sup>1</sup> All applications listed in the appendix below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cutoff rules apply to those applications listed in the appendix below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).



## POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

7948-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS42), Berryessa Peak, 5.6 miles south-southwest of Brooks, Calif. Latitude 38°39'51" N., longitude 122°11'16" W. C.P. to add 4090H MHz toward Sacramento, Calif. C.P. to add 3750H and 3830H MHz toward Mount Vaca, Calif., and change polarization from H to V on frequencies 3770V, 3850V, 3830V, 4010V, 4090V, and 4170V and change polarization from H to V on frequency 4198H MHz toward Mount Vaca, Calif.

7949-C1-MP-72—South Central Bell Telephone Co. (KLP20), 201 East George Street, Greenwood, MS. Latitude 33°31'15" N., longitude 90°10'43" W. Modification of C.P. to change polarization from H to V on frequencies 5960.0V and 6019.3V MHz toward Mount Pleasant, Miss.

7950-C1-MP-72—South Central Bell Telephone Co. (KLR48), 6.7 miles south-southeast of Moorhead, Miss. Latitude 33°21'06" N., longitude 90°27'12" W. Modification of C.P. to change polarization from H to V on frequencies 6241.7V and 6360.3V MHz toward Greenwood, Miss.

7953-C1-P-72—The Mountain States Telephone & Telegraph Co. (KYS26), 220 East Railroad Street, Plains, MT. Latitude 47°27'27" N., longitude 114°52'45" W. C.P. to add 11,075V and 10,835H MHz toward Thompson Falls, Mont.

7954-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), 1015 Railroad Street, Thompson Falls, MT. Latitude 47°35'37" N., longitude 115°20'59" W. C.P. for a new station on frequencies 11,525V and 11,265H MHz toward Thompson Falls, Mont., via passive reflector.

7955-C1-P-72—South Central Bell Telephone Co. (New), 2421 Buchanan Street, Nashville West, TN. Latitude 36°10'47" N., longitude 86°49'05" W. C.P. for a new station on frequencies 3710V, 3790V, 3870V, 3950V, 4030V, 4110V, and 3770H MHz toward Pegram, Tenn. 7956-C1-P-72—South Central Bell Telephone Co. (New), 4 miles northeast of Pegram, Tenn. Latitude 36°07'11" N., longitude 86°59'02" W. C.P. for a new station on frequencies 3750V, 3830V, 3910V, 3990V, 4070V, 4150V, and 3730H MHz toward Nashville, Tenn., and 3750H, 3830H, 3910H, 3990H, 4070H, 4150H, and 3730V MHz toward Dickson, Tenn.

7957-C1-P-72—South Central Bell Telephone Co. (KJG57), approximately 3 miles northwest of Dickson, Tenn. Latitude 36°05'50" N., longitude 87°25'58" W. C.P. to add 3770V and 3950H and change frequencies 3730V, 3810V, 3890V, 4050V, and 4130V MHz to 3710, 3790, 3870H, 4030H, and 4110H MHz toward Lobelville, Tenn., and add 3770V toward Pegram and change 3730, 3810, 3890, 3970, 4050, and 4130 MHz to 3710H, 3790H, 3870H, 3950H, 4030H, and 4110H MHz toward Pegram, Tenn.

7958-C1-P-72—South Central Bell Telephone Co. (KJG56), approximately 4 miles southwest of Lobelville, Tenn. Latitude 35°45'12" N., longitude 87°50'39" W. C.P. to add 3730V and 3990H MHz toward Lexington, Tenn., and change the frequencies 3770, 3850, 3930, 4090, and 4170 MHz to 3750H, 3830H, 3910H, 4070H, and 4150H MHz toward Lexington, Tenn. Also add 3730V MHz toward Dickson, Tenn., and change frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz to 3750H, 3830H, 3910H, 3990H, 4070H, and 4150H MHz toward Dickson, Tenn.

7959-C1-P-72—South Central Bell Telephone Co. (KJG55), approximately 7 miles south of Lexington, Tenn. Latitude 35°33'01" N., longitude 88°23'29" W. C.P. to add 3770H and 3950V MHz toward Jackson, Tenn. Also change frequencies 3730V, 3810V, 3890V, 3970V, 4050V, and 4130V to 3710H, 3790H, 3870H, 3950H, 4030H, and 4110H, and add 3770V MHz toward Lobelville, Tenn.

7960-C1-P-72—South Central Bell Telephone Co. (KJG51), 334 North Cumberland Street, Jackson, TN. Latitude 35°37'03" N., longitude 88°48'56" W. C.P. to add 3730H MHz toward Lexington, Tenn.

7961-C1-P-72—The Mountain States Telephone & Telegraph Co. (KCO75), 8.9 miles north-east of Cedarwood, Colo. Latitude 38°01'30" N., longitude 104°29'38" W. C.P. to add 11,580H MHz toward Trad Council Building, Pueblo, Colo.

7962-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), Bonforte and Jersey Murphy Road, Pueblo, Colo. Latitude 38°17'18" N., longitude 104°35'48" W. C.P. for a new station on frequency 11,175V MHz toward Southern Colorado State College, 900 West Orman, Pueblo, CO.

8074-C1-P-72—Southwestern Bell Telephone Co. (KSW26), 405 North Broadway Avenue, Oklahoma City, OK. Latitude 35°28'16" N., longitude 97°30'53" W. C.P. to add 11,265H and 11,345H MHz toward Yukon, Okla.

## Illinois

Tel.-Illinois, Inc. (New), 3120-C2-P-70.

Credit Bureau of Decatur, Inc. (New), 4582-C2-P-72.

## RURAL RADIO SERVICE

7929-C1-P-72—Texas Telephone & Telegraph Co. (New), for a new rural subscriber station to be located at the Union Oil Co. of California, 17 miles southwest of Crockett, Tex., to operate on 158.04 MHz.

7722-C1-P-72—Worland Services (New), for a new rural subscriber station to be located on highway No. 14, 20 miles northeast of Shell, Wyo., to operate on 158.58 MHz.

## POINT-TO-POINT MICROWAVE RADIO SERVICE

INFORMATIVE: MCI Mid-Atlantic Communications, Inc., is resubmitting three new applications modifying its original proposal for specialized common carrier radio service between Washington, D.C., and Atlanta, Georgia.

6392-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), a new station located 3.2 miles west-southwest of Hurdle Mills, N.C., at latitude 36°15'53" N., and longitude 79°06'12" W. Frequency 6226.9V on azimuth 341°58' and frequency 6226.9H on azimuth 168°12'. Resubmitted.

6393-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), a new station located 3.5 miles southeast of Hillsborough, N.C. at latitude 36°02'56" N., longitude 79°02'52" W. Frequencies 5974.8H on azimuth 348°14' and frequencies 11,665.0H and 11,265.0H on azimuth 114°43'. Resubmitted.

6394-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), a new station located 1.6 miles north-northeast of Leesville, N.C., at latitude 35°55'47" N., longitude 78°43'19" W. Frequencies 11,665.0H and 11,266.0H on azimuth 293°52' and 11,665.0H and 11,265.0H on azimuth 156°20'. Resubmitted.

5332-C1-R-72—South Central Bell Telephone Co. (KZS92), temporary fixed. Renewal of license expiring July 1, 1972. Term: July 29, 1973. Developmental.

7919-C1-P-72—United Video, Inc. (KSV41), Peru, Ill. Latitude 41°20'34" N., longitude 89°06'43" W. C.P. to add frequency 6345.5H MHz on azimuth 74°315' toward Norway, Ill. (INFORMATIVE: Applicant proposes to provide cable television programming from Peru, Ill., to Norway, Ill., for transmission over its currently authorized facilities to other cable television systems on the microwave route.)

7942-C1-ML-72—Pacific Northwest Bell Telephone Co. (KOJ87), 1.6 miles southeast of Blyn, Wash. Latitude 48°00'23" N., longitude 122°58'18" W. Modification of license to change polarization from 3710V and 3790V MHz to 3710H and 3790H MHz toward Bald Hill, Wash.

7943-C1-ML-72—Pacific Northwest Bell Telephone Co. (KOY41), Devil's Mountain, 5 miles southeast of Mount Vernon, Wash. Latitude 48°21'55" N., longitude 122°16'04" W. Modification of license to change polarization on frequencies from H to V on 3770V, 3850V, and 3930V toward Bald Hill, Wash.

7944-C1-ML-72—Pacific Northwest Bell Telephone Co. (KOT51), Bald Hill, 4.5 miles south-east of Snohomish, Wash. Latitude 47°51'23" N., longitude 122°03'32" W. Modification of license to change polarization from H to V on frequencies 4070V and 4150V MHz toward Blyn, Wash.; change polarization on frequencies from H to V on 3730V, 4050V, and 4130V MHz toward Devil's Mountain, Wash.

7945-C1-P-72—The Pacific Telephone & Telegraph Co. (KMG96), 1407 J Street, Sacramento, CA. Latitude 38°34'45" N., longitude 121°29'11" W. C.P. to add 4050H MHz toward Berryessa Peak, Calif.

7946-C1-P-72—The Pacific Telephone & Telegraph Co. (KMA29), Diablo, 3.6 miles north-east of Diablo, Calif. Latitude 37°52'43" N., longitude 121°55'10" W. C.P. to add 3750H and 3830H MHz toward Mount Vaca, Calif.

7947-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS41), Mount Vaca, 6 miles northwest of Vacaville, Calif. Latitude 38°23'54" N., longitude 122°06'08" W. C.P. to add 3710H and 3790H MHz toward Mount Diablo, Calif., and toward Berryessa Peak, Calif. Also change polarization from H to V on frequencies 4050V and 4130V MHz toward Berryessa Peak, Calif.



8075-C1-P-72—Southwestern Bell Telephone Co. (New), 4.3 miles north-northeast of Yukon, Okla. Latitude 35°33'54" N., longitude 97°42'58" W. C.P. for a new station on frequencies 10,735V and 10,815V MHz toward Oklahoma City, Okla., and 6034.2H MHz toward Crescent, Okla.

8076-C1-P-72—Southwestern Bell Telephone Co. (New), 2.5 miles southeast of Enid, Okla. Latitude 36°21'57" N., longitude 97°51'12" W. C.P. for a new station on frequency 6034.2V MHz toward Near Crescent, Okla.

8077-C1-P-72—Southwestern Bell Telephone Co. (New), 3.2 miles west-northwest of Crescent, Okla. Latitude 35°58'1" N., longitude 97°38'53" W. C.P. for a new station on frequencies 6286.2V MHz toward Yukon, Okla., and 6286.2H MHz toward Enid, Okla.

8078-C1-MP-72—American Telephone & Telegraph Co. (KEA77), 0.8 mile north of Cherryville, N.J. Latitude 40°34'18" N., longitude 74°54'22" W. Modification of C.P. to change polarization on 6004.5V to 6004.5H MHz toward Hope, N.J.

8079-C1-MP-72—American Telephone & Telegraph Co. (KTQ89), 2.0 miles east of Hope, N.J. Latitude 40°54'15" N., longitude 74°55'53" W. Modification of C.P. to change polarization from H to V on frequency 6256.5V MHz toward Cherryville, N.J.

8080-C1-ML-72—KHC Microwave Corp. (WDD97), modification of license to designate Port Neches, Tex. (WDE80), as a drop/relay point. Applicant proposes to provide the television signals of KHTV and KUHT of Houston, Tex., to King Community TV Co., Inc., in Port Neches, Nederland, and Groves, Tex.

8081-C1-MP-72—Sierra Microwave, Inc. (WHB22), Toulon Peak, 14 miles southwest of Lovelock, Nev. Latitude 40°07'05" N., longitude 118°43'34" W. Modification of C.P. to change azimuth toward WHA99 to 85°15'.

8082-C1-MP-72—Sierra Microwave, Inc. (WHA99), Mount Moses, 20 miles southwest of Battle Mountain, Nev. Latitude 40°11'40" N., longitude 117°24'40" W. Modification of C.P. to change station location.

8082-C1/C2-TC-(4)-72—North Carolina Telephone Co. (KIW72) Marshallville, N.C.; (KIW73) Wadesboro, N.C., and (KJK89) Norwood, N.C. North Carolina Telephone Co., transfers to Mid-Continent Telephone Corp., transferees.

#### Corrections

2030-C1-P-72—MCI Mid-Continent Communications, Inc. (New), Greenland, Colo. The file number for this application appeared incorrectly as 2030-C1-P-70 on public notice April 24, 1972. All other particulars are the same as appeared on public notice, April 24, 1972, FCC Report No. 593.

8274-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Peosta, Iowa. The file number for this application appeared incorrectly as 8374-C1-P-70 on public notice April 24, 1972. All other particulars are the same as appeared on public notice, April 24, 1972, FCC Report No. 593.

7820-C1-ML-72—Golden West Telephone Co. (KPJ29), Smoke Tree Street, Havasu City, Ariz. Correct to read: Continental Telephone Co. of California. All other terms in exact accordance with Report 595, dated May 8, 1972.

#### MULTIPOINT DISTRIBUTION SERVICE

7936-C1-P-72—KTOK Radio, Inc. (New), Liberty Tower Building, 100 Broadway, Oklahoma City, OK. Latitude 35°28'05" N., longitude 97°30'49" W. C.P. for a new station on frequencies 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of system.

7937-C1-P-72—Breene Kerr and Laurence D. Lucas, doing business as Metrocom (New), the Kerr-McGee Building, Oklahoma City, Okla. Latitude 35°28'10" N., longitude 97°30'54" W. C.P. for a new station on frequencies 2154.75 (Visual) 2150.25 (Aural) toward various receiving points of system.

7938-C1-P-72—Multi-Communication Services, Inc. (New), First National Center Tower Building, North Robinson and Park Streets, Oklahoma City, Okla. Latitude 35°28'02" N., longitude 97°30'56" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of system.

7939-C1-P-72—Multi-Communication Services, Inc. (New), 1301 Gulf Life Drive, Gulf Life Tower Building, Jacksonville, FL. Latitude 30°19'10" N., longitude 81°39'32" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

#### MULTIPOINT DISTRIBUTION SERVICE—continued

7940-C1-P-72—Jacksonville TV Signal Co. (New), southwest corner of Laura and Forsyth Streets, Jacksonville, Fla. Latitude 30°19'37" N., longitude 81°39'35" W. C.P. for a new station on frequencies 2154.75 (Visual) 2150.25 (Aural) toward various receiving points of the system.

7941-C1-P-72—Midwest Corp. (New), 1301 Gulf Life Drive, Gulf Life Tower Building, Jacksonville, FL. Latitude 30°19'10" N., longitude 81°39'32" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

7963-C1-P-72—Midwest Corp. (New), Comeau Building, 319 Clematis Street, West Palm Beach, FL. Latitude 26°42'46" N., longitude 80°03'01" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

7964-C1-P-72—Midwest Corp. (New), Bay Front Tower Building, First Street and Second Avenue, St. Petersburg, Fla. Latitude 27°46'10" N., longitude 82°38'04" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

7965-C1-P-72—Midwest Corp. (New), First Financial Tower Building, Tampa and Kennedy Streets, Tampa, Fla. Latitude 27°56'51" N., longitude 82°27'31" W. C.P. for a new station on frequencies 2154.772 (Visual) 2150.275 (Aural) toward various receiving points of the system.

7966-C1-P-72—American Microwave Services, Inc., doing business as Tampa Signal Co. (New), located on Hotel Floridan at northeast corner of Polk and Tampa Streets, Tampa, Fla. Latitude 27°57'01" N., longitude 82°27'36" W. C.P. for a new station on frequencies 2154.75 (Visual) 2150.25 (Aural) toward various receiving points of the system.

7967-C1-P-72—American Microwave Services, Inc., doing business as Orlando Signal Co. (New), located on the 1 North Orange Building at 1 North Orange Street, Orlando, FL. Latitude 28°32'32" N., longitude 81°23'45" W. C.P. for a new station on frequencies 2154.75 (Visual) 2150.25 (Aural) toward various receiving points of the system.

8067-C1-P-72—Michigan Tele-Communication Services, Inc. (New), Delta College, University Center, Mich. Latitude 43°33'42.7" N., longitude 83°58'53.7" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

8068-C1-P-72—Michigan Tele-Communication Services, Inc. (New), 1510 Springfield Road, Jackson, MI. Latitude 42°16'38" N., longitude 84°25'57" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

8069-C1-P-72—Michigan Tele-Communication Services, Inc. (New), Genesee Towers, First and Harrison Streets, Flint, Mich. Latitude 43°00'58" N., longitude 83°41'22" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

8070-C1-P-72—Michigan Tele-Communication Services, Inc. (New), 2225 Regent Street, Kalamazoo Township, Kalamazoo, MI. Latitude 42°18'50" N., longitude 85°33'53" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

8071-C1-P-72—Michigan Tele-Communication Services, Inc. (New), East Williams and Maynard Streets, Ann Arbor, Mich. Latitude 42°16'41" N., longitude 83°44'32" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

8072-C1-P-72—Michigan Tele-Communication Services, Inc. (New), 146 Monroe Street NW., Grand Rapids, MI. Latitude 42°57'58" N., longitude 85°40'18" W. C.P. for a new station on frequencies 2154.775 (Visual) 2150.275 (Aural) toward various receiving points of the system.

INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

#### Oklahoma—Oklahoma City

Howard S. Kloetz/William Corbus (New), 5583-C1-P-72.

KTOK Radio, Inc. (New), 7936-C1-P-72.

Metrocom (New), 7937-C1-P-72.

Multi-Communication Services, Inc. (New), 7938-C1-P-72.



## POINT-TO-POINT MICROWAVE RADIO SERVICE: MAJOR AMENDMENTS—continued

6677-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), 4 miles west-northwest of Huntersville, N.C., at latitude 35°25'23" N., longitude 80°54'45" W. Add point of communication, frequencies 11,265.0H and 11,665.0H on azimuth 164°11'.

6678-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), 237 West Trade Street, Charlotte, NC, at latitude 35°13'42" N., longitude 80°50'43" W. Delete frequencies 11,405.0H and 11,645.0H on azimuth 259°52'. Add frequencies 11,135.0H and 10,735.0H on azimuth 344°13'.

5888-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), 3.2 miles west of Paolet, S.O., at latitude 34°53'12" N., longitude 81°49'15" W. Add point of communication, frequencies 11,665.0H and 11,265.0H on azimuth 305°33'.

6681-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), 277 Magnolia Street, Spartanburg, SC, at latitude 34°57'13" N., longitude 81°56'05" W. Delete frequencies 11,365.0V and 11,605.0V on azimuth 40°07'. Add frequencies 10,735.0H and 11,135.0H on azimuth 125°29'.

5890-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), 2.8 miles northwest of Fountain Inn, S.C., at latitude 34°43'08" N., longitude 82°14'10" W. Add point of communication, frequencies 10,735.0H and 11,135.0H on azimuth 314°21'.

6683-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), 301 North Main Street, Greenville, SC, at latitude 34°51'00" N., longitude 82°23'56" W. Delete frequencies 11,325.0V and 11,565.0V on azimuth 96°46'. Add frequencies 11,665.0H and 11,265.0H on azimuth 134°16'.

## COMMUNICATION SATELLITE SERVICES

105-CSG-P-72 and P-C-8381—RCA Alaska Communications, Inc., for authority to establish and operate a satellite communications earth station on Adak, Alaska, and for approval of its technical characteristics. Proposed station will be located at geographical coordinates 51°52'17" N. latitude and 176°40'70" W. longitude, and will initially employ a 33-foot diameter Cassegrain antenna operating with geostationary satellites at elevation angles greater than 5° above the horizon. Transmissions will be in the 5925-6425 MHz frequency band with an emission of 10,000F9 initially with a maximum main beam e.i.r.p. of 88 dBW and a maximum e.i.r.p. in the horizontal plane of 32.5 dBW/4KHz. Reception will be in the 3700-4200 MHz band with a minimum receiving system G/T of 31.7 dB/K. Applicant proposes to initially equip the proposed station to provide a total of 48 circuits of which 12 circuits would be for Alaska-mainland traffic, 24 circuits would be intra-Alaska traffic via the Bartlett, Alaska earth station, and the remaining 12 circuits as spare. Applicant also states that the proposed earth station would initially operate with Intelsat satellites but may be incorporated into a domestic satellite system at a later date.

[FR Doc. 72-7666 Filed 5-22-72; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. G-2584, etc.]

## MOBIL OIL CORP. ET AL.

## Findings and Order After Statutory Hearing

MAY 15, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, making successor co-respondent, terminating certificates, accepting rate schedules for filing, canceling FPC gas rate schedules,

terminating rate proceedings and canceling docket number.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in

## Florida—Jacksonville

Howard S. Klotz/William Corbus (New), 5582-C1-P-72.  
Microwave Relay Services, Inc. (New), 6102-C1-P-72.  
W. L. and R. L. Meadow doing business as Jacksonville Radio Dispatch Service (New), 7669-C1-P-72.  
Multi-Communication Services, Inc. (New), 7939-C1-P-72.  
Jacksonville TV Signal Co. (New), 7940-C1-P-72.  
Midwest Corp. (New), 7941-C1-P-72.

## Florida—West Palm Beach

Microwave Relay Services, Inc. (New), 6099-C1-P-72.  
Midwest Corp. (New), 7963-C1-P-72.  
Howard S. Klotz/Michael Lipper (New), 6376-C1-P-72.  
Midwest Corp. (New), 7963-C1-P-72.

## Florida—St. Petersburg/Tampa

Midwest Corp. (New), 7964-C1-P-72.  
Howard S. Klotz/William Corbus (New), 5578 and 5592-C1-P-72.  
Microwave Relay Services, Inc. (New), 6100-C1-P-72.  
Multi-Communication Services, Inc. (New), 7672-C1-P-72.  
Midwest Corp. (New), 7964 and 7965-C1-P-72.  
American Microwave Services, Inc. (New), 7966-C1-P-72.

## Florida—Orlando

American Microwave Services, Inc., doing business as Orlando Signal Co. (New), 7967-C1-P-72.

Howard S. Klotz/William Corbus (New), 5579-C1-P-72.

Microwave Relay Services, Inc. (New), 6101-C1-P-72.  
American TV and Communications Corp. (New), 7410-C1-P-72.  
Multi-Communication Services, Inc. (New), 7673-C1-P-72.  
American Microwave Services, Inc. (New), 7967-C1-P-72.

## Michigan—Flint

Michigan Tele-Communication Service, Inc. (New), 8069-C1-P-72.  
Multi-Communication Services, Inc. (New), 6374-C1-P-72.

## Michigan—Grand Rapids

Michigan Tele-Communication Services, Inc. (New), 8072-C1-P-72.  
Multi-Communication Services, Inc. (New), 6375-C1-P-72.

## POINT-TO-POINT MICROWAVE RADIO SERVICE: MAJOR AMENDMENTS

INFORMATIVE: MCI Mid-Atlantic Communications, Inc., is resubmitting nine amendments to its previously filed applications for authority to construct a new specialized common carrier service in a five-State area from Washington, D.C., to Atlanta, Ga. The applications now being amended were originally filed in April 15, 1970. They appeared in public notice, April 27, 1970, FCC Report No. 489. An amendment to this application was filed on March 1, 1972, appearing on public notice March 13, 1972, FCC Report No. 587.

5884-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), 2.5 miles east-southeast of Estelle, N.C., at latitude 36°29'44" N., longitude 79°11'47" W. Add point of communication, frequencies 5974.8H on azimuth 161°55'.

6673-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), 411 West Chapel Hill Drive, Durham, NC, at latitude 35°59'46" N., longitude 78°54'25" W. Delete frequencies 11,685.0V and 11,365.0V on azimuth 260°41' and frequencies 6004.5V and 6123.1V on azimuth 135°14'. Add frequencies 10,735.0H and 11,135.0H on azimuth 294°48' and frequencies 10,735.0H and 11,135.0H on azimuth 113°46'.

6674-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), 333 Fayetteville Street, Raleigh, NC, at latitude 35°46'33" N., longitude 78°38'21" W. Delete frequencies 6226.9V and 6345.5V on azimuth 315°23'. Add frequencies 10,735.0H and 11,135.0H on azimuth 336°22'.



interstate commerce as indicated in the tabulation herein.

Coastal States Gas Producing Co., applicant in Docket No. CI72-280, proposes to continue in part a sale of natural gas heretofore authorized in Docket No. CI70-841 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 475. The effective rate under Humble's rate schedule at the time of transfer of the producing properties was in effect subject to refund in Docket No. RI71-884. Therefore, Coastal States Gas Producing Co. will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on May 10, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natu-

ral Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued in Dockets Nos. G-12038, CI62-1452, CI66-325, and CI66-588 should be terminated and the related rate schedules canceled.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience heretofore issued in Dockets Nos. G-4579, G-6322, G-16300, CI65-975, CI66-636, and CI70-841 should be amended to reflect the deletion of acreage assigned to other producers.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Coastal States Gas Producing Co. should be made a co-respondent in the proceeding pending in Docket No. RI71-884 and that said proceeding should be redesignated accordingly.

(13) Applicant in Docket No. G-12038 has collected no money subject to refund in Docket No. RI64-300 and applicant in Docket No. CI72-411 has collected no money subject to refund in Docket No. RI68-527 insofar as said proceeding pertains to its FPC Gas Rate Schedule No. 274.

(14) Applicant in Docket No. G-12825 and its predecessor have collected rates in effect subject to refund in Dockets Nos. G-13842, G-16891, G-19830, RI61-179, RI62-93, RI63-146, RI64-186, RI65-248, and RI71-607 (only insofar as said proceeding pertains to Austral Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 2) which are equal to or below the applicable area rate ceiling.

(15) Applicant in Docket No. CI72-410 has collected rates in effect subject to refund in Dockets Nos. G-19912, RI61-251, and RI62-119 insofar as said proceedings pertain to its FPC Gas Rate Schedule No.

14 which are equal to or below the applicable area rate ceiling.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
CI71-872.....	20.3	14.65
CI72-49.....	21.5	14.65
CI72-146.....	22.5	14.65

(E) The orders issuing certificate of public convenience and necessity in Dockets Nos. G-2584, G-4579, G-6322, G-7009, G-7223, G-8906, G-10757, G-16300, G-16368, CI63-234, CI65-975, CI66-636, CI66-653, CI68-903, CI71-872, and CI72-148 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.



(F) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-12825 and CI62-505 are amended by substituting the successors in interest as certificate holders as more fully described in the application and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(G) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect.

	<i>New certificate and/or amendment to add acreage</i>
<i>Amend to delete acreage</i>	
CI69-221	CI72-311
CI70-841	CI72-280

(H) Applicants in the dockets indicated are subject to the Commission's findings and order accompanying the following opinions:

<i>Docket No.</i>	<i>Commission Opinion No.</i>
G-12825	598 and 598-A
CI71-872	586
CI72-49	595 and 595-A
CI72-146	607
CI72-280	468
CI72-311	607
CI72-366	586
CI72-395	586

If the quality of the gas deviates at any time from the quality standards set forth in the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.*

(I) The certificates of public convenience and necessity issued in Dockets Nos. G-9958, G-10447, G-12038, G-17471, CI62-1452, CI62-1491, CI63-551, CI65-105, CI66-64, CI66-156, CI66-325, CI66-588, and CI68-140 are terminated and the related rate schedules are canceled.

(J) The proceeding in Docket No. RI68-527 is terminated insofar as it pertains to Phillips Petroleum Company (Operator) et al., FPC Gas Rate Schedule No. 274.

(K) The proceedings in Dockets Nos. G-19912, RI61-251, and RI62-119 are terminated insofar as they pertain to Midwest Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 14.

(L) The proceedings pending in Dockets Nos. G-1384, G-16891, G-19830, RI61-179, RI62-93, RI62-227, RI63-146, RI64-186, RI64-300, RI65-248, and RI67-385 are terminated.

(M) Within 90 days from the date of initial delivery of natural gas from the additional acreage, applicant in Docket No. CI71-872 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(N) Within 90 days from the date of this order, applicant in Docket No. CI72-280 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 468.

(O) Within 90 days from the date of this order applicant in Docket No. G-12825 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 598.

(P) Within 90 days from the date of this order, Applicant in Docket No. CI72-311 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 607.

(Q) Within 90 days from the date of initial delivery of natural gas from the additional acreage, applicant in Docket No. G-7222 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 468.

(R) Within 45 days from the date of this order applicants in Dockets Nos. CI72-366 and CI72-395 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(S) Applicant in Docket No. CI72-405 is not relieved of any refund obligations in Docket No. RI70-1471 as a result of the abandonment permitted and approved herein.

(T) Applicant in Docket No. CI72-410 is not relieved of any refund obligations

in Dockets Nos. RI63-116, RI64-214, and RI65-283 as a result of the abandonment permitted and approved herein.

(U) Applicant in Docket No. CI72-416 is not relieved of any refund obligations in Docket No. RI69-744 as a result of the abandonment permitted and approved herein.

(V) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted.

(W) Coastal States Gas Producing Co. is made a co-respondent in the proceeding pending in Docket No. RI71-884 and said proceeding is redesignated according to procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(X) The proceeding in Docket No. RI71-607 is terminated insofar as said proceeding pertains to Austral Oil Co. Inc. (Operator), et al., FPC Gas Rate Schedule No. 2.

(Y) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule <sup>1</sup>		
			Description and date of document	No.	Supp.
G-2584	Mobil Oil Corp. (Operator) et al.	Montana-Dakota Utilities Co., Big Horn Area, Big Horn County, Wyo.	Assignment 11-25-70 <sup>2</sup>	212	13
D 3-3-71			Assignment 11-25-70 <sup>3</sup>	212	13
G-4579	Cities Service Oil Co.	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	Assignment 1-19-70 <sup>4</sup>	18	20
D 4					
G-6322	Amerada Hess Corp.	El Paso Natural Gas Co., Bagley Field, Lea County, N. Mex.	Assignment 1-7-71 <sup>5</sup>	27	13
D 4					
G-7009	Cities Service Oil Co.	Columbia Gas Transmission Corp., Big Sandy Field, Pike County, Ky.	Amendment 8-16-71 (Effective date: Date of initial delivery).	235	35
C 11-30-71					
G-7223	Chevron Oil Co., Western Division.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	Amendment 12-13-71	13	20
C 12-29-71					
G-8906	The Superior Oil Co.	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Notice of partial cancellation 11-1-71 <sup>7</sup>	46	12
D 11-2-71					
G-10757	Sun Oil Co.	Cities Service Gas Co., Hardtner Field, Barber County, Okla.	Notice of partial cancellation 10-8-71 <sup>8</sup>	326	10
D 10-14-71					
G-12038 <sup>10</sup>	Don M. Rounds, d.b.a. Don M. Rounds Co. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., West Plains-North Field, Logan County, Colo.	(11).....	1	.....
G-12825 <sup>12</sup>	H. L. Hawkins & H. L. Hawkins, Jr. (Operator) et al.	Columbia Gas Transmission Corp., South Lake Arthur Field, Vermillion, Jefferson Davis and Cameron Parishes, La.	Austral Oil Co., Inc. (Operator) et al., FPC Gas Rate Schedule No. 2.	21	.....
E 11-17-71			Supplement Nos. 1-13 thereto.	21	1-13
			Notice of succession 11-17-71.	.....	.....
			Assignment 1-20-70 <sup>13</sup>	21	14
			(Effective date: 12-1-69)	.....	.....

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 docket.



Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule <sup>1</sup>	
			Description and date of document	No. Supp.
G-16300 D 4	Amerado Hess Corp.	El Paso Natural Gas Co., Bagley Field, Lea County, N. Mex.	Assignment 12-18-70 <sup>6</sup>	73
G-16383 D 9-30-71	Mobil Oil Corp. (Operator) et al.	Transwestern Pipeline Co., West Shattuck Field, Ellis County, Okla.	Notice of partial cancellation 9-27-71 <sup>13</sup>	240
CI62-505 <sup>14</sup> E 1-4-72	Ashland Oil, Inc.	Consolidated Gas Supply Corp., Lubbeck District, Wood County, W. Va.	Union Carbide Petroleum Corp. FPC Gas Rate Schedule No. 4, Supplement No. 1 thereto.	212
CI62-1452 <sup>10</sup>	Tom Vessels, Jr.	Kansas-Nebraska Natural Gas Co., Inc., Sanders Lease, Logan County, Colo.	Notice of succession 12-23-71 Assignment 12-8-71 <sup>15</sup> (Effective date: 10-1-71).	212
CI63-284 D 12-27-71	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	Assignment 12-10-71 <sup>15</sup>	333
CI64-975 D 17	J. M. Huber Corp.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	Assignment 8-10-71 <sup>16</sup>	65
CI64-23 <sup>20</sup> B 7-12-65	Jernigan & Morgan Transmission Co.	Cities Service Gas Co., East Victor Pool, Lincoln County, Okla.	Notice of Cancellation 7-7-65 <sup>7</sup>	1
CI64-325 4 2	Estate of B. F. Allison (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Arrow Field, Washington County, Colo.	Letter 11-3-71 <sup>21</sup>	1
CI66-588 4 2	Gas Producers Corp. (Operator) et al.	El Paso Natural Gas Co., West Kutz Field, San Juan County N. Mex.	Letter 1-5-72 <sup>24</sup>	3
CI66-636 D 1	Cities Service Oil Co.	El Paso Natural Gas Co., Merchant Unit, Reagan County, Tex.	Assignment 10-14-70 <sup>25</sup>	210
CI66-653 D 10-1-71	Austral Oil Co., Inc., et al.	Arkansas Louisiana Gas Co., Royal Resources No. 1 White E Unit, Pittsburg County, Okla.	Notice of partial cancellation (undated) <sup>7</sup>	27
CI68-903 D 11-12-71	Mobil Oil Corp.	Arkansas Louisiana Gas Company, S.W. Wankom's Field, Garfield County, Oklahoma.	Notice of partial cancellation 11-9-71 <sup>28</sup>	442
CI69-821 D 17	Phillips Petroleum Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Logan and Yell Counties, Ark.	Assignment 10-14-71 <sup>27</sup>	471
CI70-841 D 17	Humble Oil & Refining Co.	El Paso Natural Gas Co., Sand Hill Field, Crane County, Tex.	Notice of partial cancellation 8-28-70 <sup>29</sup>	475
CI71-872 C 11-29-71	Sun Oil Co.	Michigan Wisconsin Pipe Line Co., Lovedale Field, Woodward County, Okla.	Notice of partial cancellation agreement 10-28-71 (Effective date: Date of initial delivery).	497
CI72-146 A 9-7-71	Marathon Oil Co.	Texas Gas Transmission Corp., Walker Creek Field, Columbia County, Ark.	Contract 8-12-71 <sup>30</sup> Compliance 12-6-71	114
CI72-188 <sup>32</sup> B 10-8-71	Apache Corp.	Cities Service Gas Co., acreage in Noble County, Okla.	Assignment 12-18-70 <sup>6</sup>	73
CI72-227 <sup>33</sup> B 10-20-71	Benedum-Trees Oil Co.	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Notice of partial cancellation 9-27-71 <sup>13</sup>	240
CI72-237 <sup>34</sup> B 10-26-71	Tenneco Oil Co.	Cities Service Gas Co., Northeast Vining Field, Grant County, Okla.	Union Carbide Petroleum Corp. FPC Gas Rate Schedule No. 4, Supplement No. 1 thereto.	212
CI72-290 <sup>35</sup> F 11-8-71	Coastal States Gas Producing Co.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	Notice of succession 12-23-71 Assignment 12-8-71 <sup>15</sup> (Effective date: 10-1-71).	212
CI72-327 <sup>32</sup> B 12-1-71	Venus Oil Co.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	Assignment 8-10-71 <sup>16</sup>	65
CI72-366 <sup>40</sup> 12-13-71	Marathon Oil Co.	Transwestern Pipeline Co., Fleming Unit, Griggs Area, Cimarron County, Okla.	Letter 1-5-72 <sup>24</sup>	3
CI72-385 <sup>43</sup> 1-6-72	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Northeast Carlton Field, Blaine County, Okla.	Assignment 10-14-70 <sup>25</sup>	210
CI72-405 <sup>45</sup> B 1-10-72	McCulloch Oil Corp.	Transwestern Pipeline Co., Craver Field, Ward and Crane Counties, Tex.	Notice of partial cancellation (undated) <sup>7</sup>	27
CI72-410 <sup>44</sup> B 1-10-72	Midwest Oil Corp. (Operator) et al.	Columbia Gas Transmission Corp., Ellis Field, Acadia Parish, La.	Assignment 10-14-71 <sup>27</sup>	471
CI72-411 <sup>46</sup> B 1-7-72	Phillips Petroleum Corp.	El Paso Natural Gas Co., Copper Lease, Lea County, N. Mex.	Notice of partial cancellation 8-28-70 <sup>29</sup>	475
CI72-412 <sup>48</sup> B 1-10-72	Columbia Gas Development Corp. (Operator) et al.	Texas Gas Transmission Corp., Ellis Field, Acadia Parish, La.	Notice of partial cancellation agreement 10-28-71 (Effective date: Date of initial delivery).	497
CI72-415 <sup>47</sup> B 11-16-71	Marshall Exploration, Inc.	Lone Star Gas Co., Oak Hill Field, Rock County, Tex.	Contract 8-12-71 <sup>30</sup> Compliance 12-6-71	114
CI72-416 <sup>48</sup> B 1-11-72	Amoco Production Co.	Natural Gas Pipeline Co. of America, Old Ocean Field, Matagorda County, Tex.	Assignment 12-18-70 <sup>6</sup>	73

See footnotes at end of docket.

See footnotes at end of docket.



- <sup>1</sup> Unless otherwise stated, effective date is the date of this order.
- <sup>2</sup> Assigns operating rights of certain acreage to Kimbark Associates from applicant.
- <sup>3</sup> Assigns acreage to H. A. Koch and Jody N. Koch from applicant.
- <sup>4</sup> No certificate filing necessary (18 CFR 2.64), since acreage has been assigned to a small producer certificate holder.
- <sup>5</sup> Assigns acreage from applicant to M. R. MacCurdy, holder of a small producer certificate in Docket No. C866-106.
- <sup>6</sup> Assigns acreage from applicant to Anderson Oil and Gas Co. (new Anderson Production Corp. which is holder of a small producer certificate in Docket No. C872-223).
- <sup>7</sup> Includes buyer's concurrence.
- <sup>8</sup> Leases have terminated for lack of production in commercial quantities.
- <sup>9</sup> Source of gas depleted.
- <sup>10</sup> Certificate is to be terminated and the related rate schedule is to be canceled herein on the Commission's own motion.
- <sup>11</sup> All efforts to obtain an abandonment application have been unsuccessful. Buyer states that the subject contract has been canceled.
- <sup>12</sup> Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12825 to be made pursuant to Austral Oil Co. Inc. (Operator), et al. FPC Gas Rate Schedule No. 2.
- <sup>13</sup> Assigns acreage to applicant from Austral Oil Co. Inc., and Oil Participations Inc.
- <sup>14</sup> Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. C162-505 to be made pursuant to Union Carbide Petroleum Corp. FPC Gas Rate Schedule No. 4.
- <sup>15</sup> Assigns all of Ashland Petroleum Corp.'s interest (formerly Union Carbide Petroleum Corp.) in the subject acreage to applicant.
- <sup>16</sup> Conveys nonproducing properties from applicant to Coquina Oil Corp., holder of a small producer certificate in Docket No. C871-147.
- <sup>17</sup> No certificate filing necessary (18 CFR 2.64).
- <sup>18</sup> Includes letter agreement dated Aug. 27, 1971, deleting subject acreage, because leases have expired.
- <sup>19</sup> Assigns acreage to Venns Oil Co., applicant herein in Docket No. C172-327.
- <sup>20</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-10447.
- <sup>21</sup> Wells are uneconomical to operate.
- <sup>22</sup> Certificate is to be terminated and the related rate schedule is to be canceled.
- <sup>23</sup> Applicant advises the Commission that the subject gas well was sold in 1968 to Rex Mohahan, holder of a small producer certificate in Docket No. C871-1134.
- <sup>24</sup> Applicant advises the Commission that, effective July 22, 1970, full interest in the subject properties was assigned to R. L. Bayless and J. Gregory Merrian, holders of small producer certificates in Dockets Nos. C871-413 and C871-648, respectively.
- <sup>25</sup> Assigns acreage to Seco Production Co., which is wholly owned by John L. Crawford, holder of a small producer certificate in Docket No. C871-6.
- <sup>26</sup> Well will not flow into Cam Gas System for redelivery to buyer.
- <sup>27</sup> Assigns acreage from applicant to Mobil Oil Corp., applicant herein in Docket No. C172-311.
- <sup>28</sup> Includes assignments conveying interest from applicant to Coastal States Gas Producing Co.
- <sup>29</sup> Coastal States Gas Producing Co. is filing herein for a certificate in Docket No. C172-280.
- <sup>30</sup> Filing has heretofore been accepted.
- <sup>31</sup> Applicant expresses its willingness to accept a permanent certificate at a rate of 22.5 cents per Mcf.
- <sup>32</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized under a small producer certificate.
- <sup>33</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C165-105.
- <sup>34</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C163-551.
- <sup>35</sup> The producing well will not deliver at pipeline pressure.
- <sup>36</sup> Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. C170-841 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 475.
- <sup>37</sup> Assigns acreage from Humble Oil & Refining Co. to applicant.
- <sup>38</sup> Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. C169-321 to be made pursuant to Phillips Petroleum Co. (Operator), et al. FPC Gas Rate Schedule No. 471.
- <sup>39</sup> Assigns acreage to applicant from Phillips Petroleum Co.
- <sup>40</sup> Applicant proposes to cover its own interest in a sale of natural gas heretofore covered by Graham-Michaels Drilling Co., holder of a small producer certificate in Docket No. C871-178.
- <sup>41</sup> By letter filed Jan. 17, 1972, applicant states its willingness to accept a certificate conditioned to Graham-Michaels Drilling Co.'s effective rate prior to the issuance of its small producer certificate.
- <sup>42</sup> Applicant proposes to cover its own interest in a sale of natural gas heretofore covered by Apache Corp., holder of a small producer certificate in Docket No. C872-216.
- <sup>43</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C162-1491.
- <sup>44</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-17471.
- <sup>45</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-9958.
- <sup>46</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C166-156.
- <sup>47</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C168-140.
- <sup>48</sup> Includes a release agreement, which cancels applicant's subject gas purchase contract with the buyer.
- <sup>49</sup> Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C166-64.

[FR Doc.72-7606 Filed 5-22-72; 8:45 am]

## FEDERAL RESERVE SYSTEM

[Reg. Y]

### BANK HOLDING COMPANIES

#### Notice of Hearing Regarding Possible Violation of the Bank Holding Company Act

The Board of Governors has ordered a hearing to be held to ascertain whether American Security and Trust Co. (AS&T) or American Security Corp. (ASC) violated the Bank Holding Company Act of 1956 (12 U.S.C. section 1841 et seq.).

Prior to the 1970 Amendments, the Act defined "bank holding company" as any company "(1) that directly or indirectly owns, controls, or holds with power to vote 25 per centum or more of the voting shares of each of two or more banks or of a company that is or becomes a bank holding company by virtue of this Act, or (2) that controls in any manner the election of a majority of the directors of each of two or more banks." Neither ASC nor AS&T registered as a bank holding company under the Act as it existed prior to

the 1970 Amendments or otherwise submitted to the strictures of the Act.

AS&T and ASC are affiliates whose shares are traded in units, i.e., no share of one company may be transferred without also transferring a share of the other company. This arrangement was established in 1957. In subsequent years, ASC made certain acquisitions, including the acquisition of 25 percent or more of the shares of each of three banks; but ASC apparently has never owned 25 percent or more of the shares of each of two or more banks at the same time. At the present time, ASC owns approximately 93 percent of the shares of Fairfax County National Bank (FCNB), Falls Church, Va., and 24.99 percent of the shares of University National Bank (UNB), Rockville, Md.

The Board has ordered the hearing after considering a request for such action submitted by The Riggs National Bank, Washington, D.C., in a letter dated December 10, 1971, which is available for inspection and copying in Room 1020 of the Board's building.

The principal question to be explored at the hearing is whether ASC or AS&T

controlled two banks at the same time prior to December 31, 1970, and became a bank holding company under the provisions of the Act. It is expected that the focus will be on the questions whether, and by what means, ASC or AS&T was able indirectly to control shares of FCNB or UNB, particularly shares held by officers or directors of FCNB, AS&T, or ASC, or shares held by AS&T in trust or agency accounts; and on the circumstances surrounding stock transactions in May and December 1970, when ASC traded shares of FCNB and UNB.

The proceedings will be conducted in accordance with sections 556 and 557 of title 5, United States Code. Mr. Seymour Wenner has been designated hearing examiner. The hearing examiner will fix the date or dates of the hearing (notice of which will be published), and will make recommendations to the Board, with supporting findings and reasons, on the basis of the hearing and material filed in the proceedings.

Any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before June 1, 1972, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence, and the names and identity of witnesses who propose to appear. Requests will be presented to the hearing examiner for his determination, and persons submitting them will be notified of his decision.

By order of the Board of Governors, May 18, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-7842 Filed 5-22-72; 8:52 am]

### CHASE MANHATTAN CORP.

#### Acquisition of Bank

The Chase Manhattan Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Chase Manhattan Bank of Central New York (National Association), New York, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than June 12, 1972.



Board of Governors of the Federal Reserve System, May 16, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

[FR Doc.72-7774 Filed 5-22-72; 8:50 am]

## FEDERAL OPEN MARKET COMMITTEE

### Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on February 15, 1972.<sup>1</sup>

The information reviewed at this meeting indicates that real output of goods and services increased more rapidly in the fourth quarter than it had in the third quarter, but the unemployment rate remained high. For the current quarter, growth is projected at a rate close to that of the fourth quarter. Prices increased sharply in December, in part reflecting termination of the 90-day freeze. Wage rates also rose substantially in December when some increases that had been deferred under the freeze were allowed to go into effect, but the rise slowed in January. The narrowly defined money stock, which had not grown on balance from August to November, rose somewhat in December and January. Inflows of time and savings funds at bank and nonbank thrift institutions increased sharply in January, and both the broadly defined money stock and the bank credit proxy expanded rapidly. Some short-term interest rates have declined further in recent weeks while yields on long-term securities generally have increased from the lows reached around mid-January. Exchange rates for most major foreign currencies against the dollar have appreciated to levels near or above their new central values. Since the Smithsonian meeting, capital reflows to the United States have somewhat exceeded the underlying U.S. balance of payments deficit. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of international developments, the Committee seeks to achieve bank reserve and money market conditions that will support moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, May 9, 1972.

ARTHUR L. BROIDA,  
Deputy Secretary.

[FR Doc.72-7775 Filed 5-22-72; 8:50 am]

## FEDERAL OPEN MARKET COMMITTEE

### Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information,

<sup>1</sup> The Record of Policy Actions of the Committee for the meeting of Feb. 15, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

notice is given that at its meeting on February 15, 1972, the Committee ratified the action taken by a majority of the members on January 26, 1972, to suspend, until close of business on February 15, 1972, the lower limit (set forth in paragraph 1(c) of the continuing authority directive with respect to domestic open market operations) on interest rates on repurchase agreements arranged by the Federal Reserve Bank of New York with nonbank dealers. The provision in question, which also had been suspended for the period from December 23, 1971, through January 11, 1972, specified that such repurchase agreements were to be made "at rates not less than (1) the discount rate of the Federal Reserve Bank of New York at the time such agreement is entered into, or (2) the average issuing rate on the most recent issue of 3-month Treasury bills, whichever is the lower." (See 37 F.R. 3392.)

By order of the Federal Open Market Committee, May 9, 1972.

ARTHUR L. BROIDA,  
Deputy Secretary.

[FR Doc.72-7776 Filed 5-22-72; 8:50 am]

## FROST REALTY CO. AND FROST NATIONAL BANK

### Acquisition of Bank

Frost Realty Co. and Frost National Bank, both of San Antonio, Tex., have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for Frost Realty Co. to acquire directly, and Frost National Bank indirectly, 26,553 or more of the voting shares of Harlandale State Bank, San Antonio, Tex. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 12, 1972.

Board of Governors of the Federal Reserve System, May 16, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

[FR Doc.72-7764 Filed 5-22-72; 8:48 am]

## TEXAS COMMERCE BANCSHARES, INC.

### Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to North Freeway Bank,

Houston, Tex.<sup>1</sup> (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of 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:

Texas Commerce controls one bank which is located in Houston, Tex., and has deposits of \$1 billion, representing 3.7 percent of total commercial bank deposits in the State. Upon acquisition of control of Bank (\$4.1 million in deposits), applicant's position in relation to the State's other banking organizations and holding companies would remain unchanged and applicant's share of deposits in the State would not increase significantly. (All banking data are as of June 30, 1971, and reflect holding company acquisitions and formations through February 29, 1972.)

Applicant, the fourth largest banking organization in Texas and the second largest in the Houston banking market, controls approximately 16 percent of total commercial bank deposits in the Houston area. In addition, applicant controls between 20 and 24.9 percent of the voting shares of each of six other banks (including 24.9 percent of the voting shares of Bank) which are located in the Houston market and hold aggregate deposits of \$157.6 million, representing 2.6 percent of commercial bank deposits in the Houston area.<sup>2</sup>

Bank, located in the Houston banking market approximately 10 miles north of applicant's subsidiary bank, ranks 122d among 145 banks in the market and controls 0.1 percent of commercial bank deposits there. Bank was organized in 1970 by individuals associated with the predecessor of applicant's subsidiary

<sup>1</sup> At the time this application was filed, American General Insurance Co., Houston, Tex., owned more than 32 percent of the voting shares of Texas Commerce Bancshares so that an acquisition of shares by Texas Commerce would constitute an indirect acquisition by American General. Therefore, a separate application with respect to the acquisition of shares of Bank was filed by American General, as a bank holding company. However, during the period of the Board's consideration of these applications, American General effected a divestiture of its ownership and control of voting shares of Texas Commerce and has ceased to be a bank holding company under the Bank Holding Company Act. Accordingly, American General's application indirectly to acquire shares of Bank has been dismissed, as moot, by order of the Board (FEDERAL REGISTER of April 18, 1972, 37 F.R. 7650).

<sup>2</sup> Applicant has filed applications with the Board to acquire all of the remaining outstanding voting shares of each of two of these six banks in addition to Bank.



bank which has maintained a close working relationship with Bank since its organization. The service area of applicant's subsidiary bank overlaps Bank's service area and some competition apparently exists between Bank and the larger downtown banks. The disparity in size between Bank and applicant's subsidiary bank and Bank's predominantly suburban-retail character reduce the prospect of meaningful competition developing between these banks. In view of the facts of record, including the nature and character of the aforementioned relationships and, particularly in view of Bank's small size, the Board concludes that consummation of the proposed acquisition would not significantly lessen existing or potential competition in the Houston area; and competitive considerations are consistent with approval.

The financial condition of applicant and its subsidiary bank is regarded as satisfactory, management capable and prospects appear favorable. The financial condition and management of Bank are deemed satisfactory and its future prospects appear favorable and consistent with approval. The banking needs of the residents of the Houston banking market, including those in Bank's immediate service area, appear to be adequately served at the present time by existing institutions. However, applicant's proposal to provide, through bank, services presently available only from larger downtown Houston banks, should contribute to the convenience of banking customers in the area. Considerations relating to the convenience and needs of the relevant area are consistent with approval of the application and lend some weight thereto. It is the Board's judgment that consummation of the proposed transaction is 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 effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,<sup>3</sup> effective May 16, 1972.

[SEAL]

**TYNAN SMITH,**  
*Secretary of the Board.*

[FR Doc.72-7765 Filed 5-22-72;8:48 am]

## UNITED JERSEY BANKS

### Acquisition of Bank

United Jersey Banks, Hackensack, N.J., has applied for the Board's approval

<sup>3</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Maisel.

under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the Dover Trust Co., Dover, N.J. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 12, 1972.

Board of Governors of the Federal Reserve System, May 16, 1972.

[SEAL]

**MICHAEL A. GREENSPAN,**  
*Assistant Secretary.*

[FR Doc.72-7766 Filed 5-22-72;8:48 am]

## SECURITIES AND EXCHANGE COMMISSION

[File 7-4141]

### CHASE MANHATTAN MORTGAGE AND REALTY TRUST

#### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 15, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

Chase Manhattan Mortgage and Realty Trust  
\$1 Par Value, File No. 7-4141.

Upon receipt of a request, on or before May 31, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL]

**RONALD F. HUNT,**  
*Secretary.*

[FR Doc.72-7749 Filed 5-22-72;8:47 am]

[File 500-1]

### COGAR CORP.

#### Order Suspending Trading

MAY 16, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.60 par value, of Cogar Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 17, 1972, through May 26, 1972.

By the Commission.

[SEAL]

**RONALD F. HUNT,**  
*Secretary.*

[FR Doc.72-7750 Filed 5-22-72;8:47 am]

[812-3018]

### CONTINENTAL ASSURANCE CO. AND CONTINENTAL ASSURANCE CO. SEPARATE ACCOUNT (B)

#### Notice of Filing of Application for Exemption

MAY 16, 1972.

Notice is hereby given that Continental Assurance Co. (Company), an Illinois life insurance company, and Continental Assurance Co. Separate Account (B) (Account), 310 South Michigan Avenue, Chicago, IL 60604, an open-end diversified management company registered under the Investment Company Act of 1940 (Act) (hereinafter collectively called Applicants), have filed an application pursuant to section 6(c) of the Act for an order exempting the Applicants from the provisions of section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants request an exemption from section 22(d) to permit a provision for experience rating on a nondiscriminatory basis under its group variable annuity contracts. Pursuant to such a provision, the Company would annually determine the sales and administrative expenses



[812-205]

## LEVERAGE FUND OF BOSTON, INC.

## Notice of Filing of Application for Modification of Order of Exemption Granted and for Further Order of Exemption

MAY 16, 1972.

applicable to each group contract, and whether the Company's charges exceeded its applicable costs for the prior year. On the basis of such determination, the Company in its discretion would allocate to individual participants under the group contracts as an experience credit, none, some or all of the excess, if any, of the amounts deducted for such charges over applicable costs. No additional charge would be made if the deductions fall to cover such costs. Any credits due the participants under the contract would be applied, as considered appropriate by the Company, either (a) to reduce the amount deducted from subsequent contributions for sales and administrative expenses, or (b) to increase the number of accumulation units or annuity units, as applicable, by an amount equal in value to the amount of the credit due less any applicable premium taxes. In neither case would a deduction be made therefrom of any amounts for sales or administrative expenses.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 6, 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 reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of any attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in this notice, unless an order for a hearing upon this matter 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.72-7751 Filed 5-22-72; 8:47 am]

Notice is hereby given that Leverage Fund of Boston, Inc. (Fund), 111 Devonshire Street, Boston, MA 02109, a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) as a diversified closed-end management investment company, has filed an application (i) pursuant to section 6(c) of the Act for a modification of an order of exemption (1967 Order) issued by the Commission on March 22, 1967 (Investment Company Act Release No. 4892), to eliminate from the 1967 Order a condition which generally prohibited Fund from purchasing its own shares, and (ii) for a further order pursuant to section 6(c) of the Act exempting Fund's proposed purchases of its own shares from the provisions of section 18(a) (2) (B) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Fund, as authorized by its Articles of Organization, has an equal number of two classes of stock currently outstanding: 2,003,644 Income Shares, \$1 par value per share, and 2,003,644 Capital Shares, \$1 par value per share.

The holders of the Income Shares are entitled to receive all of Fund's Net Investment Income per annum and, in any event, to receive an annual cumulative dividend of 75 cents per share, whether or not earned. To the extent such 75-cent dividend is not earned out of Net Investment Income, any deficiency must be made up out of capital or surplus attributable to the holders of Capital Shares.

The Income Shares are callable for redemption on the first full business day in January 1982, at a redemption price of \$13.725 per share plus accumulated and unpaid dividends. In the event that Fund shall, after the call of the Income Shares in 1982, become an open-end investment company continuously offering its shares, holders of Income Shares will have the right in 1982 to apply the proceeds of the redemption of their shares to the purchase of Fund shares to be offered at net asset value without a sales charge. If the Income Shares are not so called for redemption, the existence of Fund will terminate on the first full business day in January 1982, and a distribution in liquidation will be made within 60 days after such termination date. In the event Fund is liquidated, the Income Shares shall be entitled to receive \$13.725 per share, plus accumulated and unpaid dividends, before any payment may be made on the Capital Shares.

After the Income Shares have been redeemed, the holders of Capital Shares will be entitled to all dividends and distributions made on Fund shares and will be able to receive the net asset value of their shares either through a tender

offer made prior to May 1, 1982, through a liquidation of Fund, or through a continuance of Fund as an open-end investment company with redeemable shares.

Shares of each class when issued are fully paid, nonassessable, and fully transferable. Neither class of shares has any preemptive rights nor any conversion rights. Capital Shares may not be acquired by Fund while any Income Shares are outstanding, and Income Shares may not be acquired except upon their redemption. Additional shares of either class may not be issued while the Income Shares are outstanding.

The 1967 Order of the Commission permitted an equal number of Income Shares and Capital Shares to be issued subject to several conditions, including the following:

... (4) The company will not purchase or otherwise acquire any shares of its capital stock of either class except upon the call of the Income Shares or upon the liquidation of the Company.

The Fund now requests that the aforementioned condition be deleted so that it may purchase units of Income and Capital Shares only at times when such purchases can be made at discounts from unit net asset value.

The Fund also requests an order pursuant to section 6(c) of the Act exempting it from the provisions of section 18(a) (2) (B) of the Act which, among other things, requires a closed-end company, like the Fund, issuing any class of senior security, such as the Income Shares, to make provision for the prohibition of the purchase of any of its common stock, unless the class of senior security has at the time of any such purchase an asset coverage of at least 200 per centum after deducting the purchase price.

The Articles of Organization of Fund will have to be amended in order to enable Fund to purchase its own shares. Such an Amendment will be proposed to the shareholders of Fund and will require, for approval, a vote of two-thirds of the outstanding Income Shares and two-thirds of the outstanding Capital Shares.

Fund requests an order modifying the 1967 Order by the deletion of condition "(4) set forth above, and for a further order pursuant to section 6(c) of the Act exempting from section 18(a) (2) (B) of the Act, on the following conditions, purchases by Fund of its shares:

1. Fund will not purchase shares of one class if the number of shares of that class then outstanding is less, by more than 1,000, than the number of shares of the other class then outstanding.

2. Fund will not permit the number of outstanding shares of either class to be out of balance with the number of outstanding shares of the other class to any extent for more than five consecutive trading days (except that if at the expiration of such period a purchase to redress an imbalance would be inconsistent with any of the requirements referred to herein, Fund will not make such a purchase until it could do so consistent with such requirements).

3. Fund will not purchase shares of either class unless the unit (one Income



Share and one Capital Share) net asset value determined at the close of business of the prior business day exceeds the sum of (a) the per share purchase price of the shares being purchased (plus the applicable brokerage commission), plus (b) the higher of (i) the most recent market price or (ii) the lowest current asked price for shares of the other class (plus in either case an assumed brokerage commission): *Provided*, That this condition shall not apply to any purchase by Fund of shares of dissenting shareholders who have asserted rights of appraisal with respect to their shares, in accordance with the laws of the Commonwealth of Massachusetts in connection with the amendment to Fund's Articles of Organization permitting Fund to purchase its own shares. Unit net asset value will be determined for this purpose by dividing Fund's total net assets (not including undistributed Net Investment Income) by the number of Income Shares or Capital Shares outstanding, whichever is greater.

4. Fund would not purchase shares of either class of stock at a price higher than the highest current bid price, or the last sale price, for such stock on the New York Stock Exchange, whichever is higher (plus in either case the applicable or an assumed brokerage commission): *Provided*, That this condition shall not apply to any purchase by Fund of shares of dissenting shareholders who have asserted rights of appraisal with respect to their shares in accordance with Massachusetts law in connection with the amendment to Fund's Articles of Organization referred to above.

5. Purchases of either class will not exceed on any day 15 percent of the average daily trading value for shares of either class, whichever has the smaller volume, on the New York Stock Exchange, in the 4 weeks preceding the then current week.

6. Fund will notify all stockholders of its proposed purchase program by letter or report, which will discuss any discount of market value from net asset value. It will also inform the stockholders as to the intention of Fund to call all of the Income Shares for redemption on the first business day in January 1982, and as to the respective rights in 1982 of the holders of both classes of stock under Fund's Articles of Organization.

7. In its quarterly reports to stockholders, Fund will provide information as to the aggregate number of shares of each class purchased and the price thereof.

8. No purchase will be made unless Fund has notified its stockholders in writing of its intention to purchase shares within a period of 6 months prior to the date of purchase.

9. Shares purchased by Fund will be held in the treasury and will not be transferred therefrom as long as any Income Shares are outstanding.

10. No shares will knowingly be purchased from a seller known to Fund to be an "affiliated person" (as that term is defined in the Act) of Fund.

11. Fund will pay no brokerage commission to any "affiliated person" (as that term is defined in the Act) of Fund in connection with any purchase by Fund of its stock.

12. Fund will continue to release for publication an unaudited figure as to net asset value per Capital Share as of the close of business each week.

13. In effecting any purchases of its shares on the New York Stock Exchange, Fund will employ only one broker at any one time and will instruct such broker to follow all conditions applicable to the purchase program. Fund will continuously review the purchases to make sure that the purchase program is being properly carried out.

Fund represents that the combined market value of a unit of one Income Share and one Capital Share has, for some time, been less than the net asset value of such a unit. Fund submits that the holders of both classes of its shares would be benefited by the purchases it proposes to make because such purchases would be made only at discounts from unit net asset value, and thus would moderately increase the net asset value per unit of the remaining Capital Shares and Income Shares, and would also moderately increase the asset coverage for the Income Shares.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 6, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such request 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 such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or

advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.72-7752 Filed 5-22-72;8:47 am]

[File 7-4149]

## NORTHERN NATURAL GAS CO.

Notice of Applications for Unlisted  
Trading Privileges and of Oppor-  
tunity for Hearing

MAY 15, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which securities are listed and registered on one or more other national securities exchanges:

Northern Natural Gas Co., Warrants to purchase Mobile Oil Corp. stock, File No. 7-4149.

Upon receipt of a request, on or before May 31, 1972 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.72-7753 Filed 5-22-72;8:47 am]



[File 7-4155, etc.]

**BIC PEN CORP. ET AL.****Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing**

MAY 19, 1972.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Bic Pen Corp.	7-4155
Reynolds Securities, Inc.	7-4157
Ponderosa System, Inc.	7-4158

Upon receipt of a request, on or before June 6, 1972 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

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

[FR Doc.72-7754 Filed 5-22-72;8:47 am]

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****CONSTRUCTION SAFETY ADVISORY COMMITTEE****Notice of Meeting**

Notice is hereby given that the Safety Advisory Committee on Construction established under section 107 of the Contract Work Hours and Safety Standards Act (86 Stat. 96; 40 U.S.C. 327), commonly known as the Construction Safety

Act, will meet at 9 a.m. on May 31, 1972, in Conference Room C of the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C.

The advisory committee will take up: (1) The matter of possible revision of tunnel standards, and (2) such other matters as the Assistant Secretary may bring before it.

The meeting is open to the public.

Signed at Washington, D.C., this 18th day of May 1972.

**G. C. GUENTHER,**  
Assistant Secretary of Labor.

[FR Doc.72-7788 Filed 5-22-72;8:51 am]

**INTERSTATE COMMERCE COMMISSION****ASSIGNMENT OF HEARINGS**

MAY 18, 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 110585 (Sub-No. 15), Republic Van & Storage Co., Inc., continued to May 25, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11305, Terminal Transport Co., Inc.—purchase (portion)—Deaton, Inc., MC 11207 Sub 314, Deaton, Inc., now being assigned hearing July 17, 1972, at Montgomery, Ala., in a hearing room later to be designated.

MC 4405 Sub 486, Dealers Transit, Inc., now being assigned hearing July 10, 1972, MC 115691 Sub 21, Murphy Transportation, Inc., MC 127834 Sub 66, Cherokee Hauling & Rigging, Inc., now being assigned hearing July 12, 1972, at Birmingham, Ala., in a hearing room later to be designated.

No. 35603, Rail passenger fares, between Connecticut and New York, now being assigned hearing June 26, 1972, at New York, N.Y., June 27, 1972, at Stamford, Conn., June 28, 1972, at Westport, Conn., and June 29, 1972, at New York, N.Y., in hearing rooms to be later designated.

[SEAL] **ROBERT L. OSWALD,**  
Secretary.

[FR Doc.72-7796 Filed 5-22-72;8:51 am]

**FOURTH SECTION APPLICATION FOR RELIEF**

MAY 18, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publi-

cation of this notice in the FEDERAL REGISTER.

**LONG-AND-SHORT HAUL**

FSA No. 42431—Lumber and related articles from points in southwestern territory. Filed by Southwestern Freight Bureau, agent (No. B-321), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to points in Colorado and Nebraska on the BN.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 130 to Southwestern Freight Bureau, agent, tariff ICC 4883. Rates are published to become effective on June 17, 1972.

By the Commission.

[SEAL] **ROBERT L. OSWALD,**  
Secretary.

[FR Doc.72-7795 Filed 5-22-72;8:51 am]

[Notice 64]

**MOTOR CARRIER BOARD TRANSFER PROCEEDINGS**

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. 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-73567. By order of May 10, 1972, the Motor Carrier Board approved the transfer to Green's Express, a corporation, Vineland, N.J., of the operating rights set forth in certificate No. MC-21269, issued March 24, 1964, to Harry Popovsky and Irene Popovsky, doing business as Green's Express, Vineland, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between specified points in Pennsylvania and New Jersey, and household goods, as defined by the Commission, between Ocean City, N.J., and points within 10 miles of Ocean City, N.J., on the one hand, and, on the other, points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia. Samuel L. Shapiro, 1179 East Landis Avenue, Vineland, NJ 08360, attorney for applicants.



No. MC-FC-73618. By order of May 15, 1972, the Motor Carrier Board approved the transfer to Parks Moving & Storage, Inc., Uniontown, Pa., of the operating rights in certificate No. MC-110746 issued January 13, 1971, to Arthur R. Williams, doing business as H. A. Parks and Son, Uniontown, Pa., authorizing the transportation of household goods, as defined by the Commission, between Pittsburgh, Pa., and points in Pennsylvania and West Virginia within 40 miles of Pittsburgh, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-73631. By order of May 10, 1972, the Motor Carrier Board approved the transfer to Silcon Trucking Co., Inc., West Bridgewater, Mass., of the operating rights in certificates Nos. MC-38157, MC-38157 (Sub-No. 1), and MC-38157 (Sub-No. 2) issued August 1, 1950, to M. E. Hicks & Sons, Inc., Foxboro, Mass., authorizing the transportation of various commodities from, to, and between specified points and areas in Massachusetts, Rhode Island, Connecticut, New York,

Maine, New Hampshire, and Vermont. Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, attorney for applicants.

No. MC-FC-73647. By order of May 15, 1972, the Motor Carrier Board approved the transfer to William F. Mehring & Sons, Inc., Keymar, Md., of the operating rights in permits Nos. MC-126300 (Sub-No. 1) and MC-126300 (Sub-No. 2) issued May 6, 1965, and December 16, 1965, respectively, to Richard L. Miller, Taneytown, Md., authorizing the transportation of wooden stair parts, from Taneytown, Md., to Chicago, Ill., and points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont, and from Taneytown, Md., to points in Illinois (except Chicago), Indiana, Michigan, and Ohio. Dual operations were approved. Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036, attorney for applicants.

No. MC-FC-73667. By order entered May 15, 1972, the Motor Carrier Board approved the transfer to Sur-T Drayage, Inc., San Jose, Calif., of the operating rights set forth in certificate No. MC-133256 (Sub-No. 1), issued October 28, 1969, to Consolidated California Termi-

nals, Inc., San Jose, Calif., authorizing the transportation of: New furniture, and new furniture parts, from San Jose, Calif., to points in Sonoma, Napa, Yolo, Sacramento, San Joaquin, Stanislaus, Merced, Fresno, San Benito, Monterey, Santa Cruz, Santa Clara, San Mateo, San Francisco, Marin, Solano, Contra Costa, and Alameda Counties, Calif. Joseph Gingerich, 377 South Murphy Avenue, Sunnyvale, CA 94086, attorney for applicants.

No. MC-FC-73677. By order of May 15, 1972, the Motor Carrier Board approved the transfer to Maderich Horse Transportation, Inc., Florence, N.J., of the operating rights in certificate No. MC-126277 issued March 18, 1968, to Gower Horse Transportation, Inc., Allentown, N.J., authorizing the transportation of various commodities between points in Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. LeRoy E. Perper, 1900 Land Title Building, Philadelphia, Pa. 19110, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-7794 Filed 5-22-72;8:51 am]



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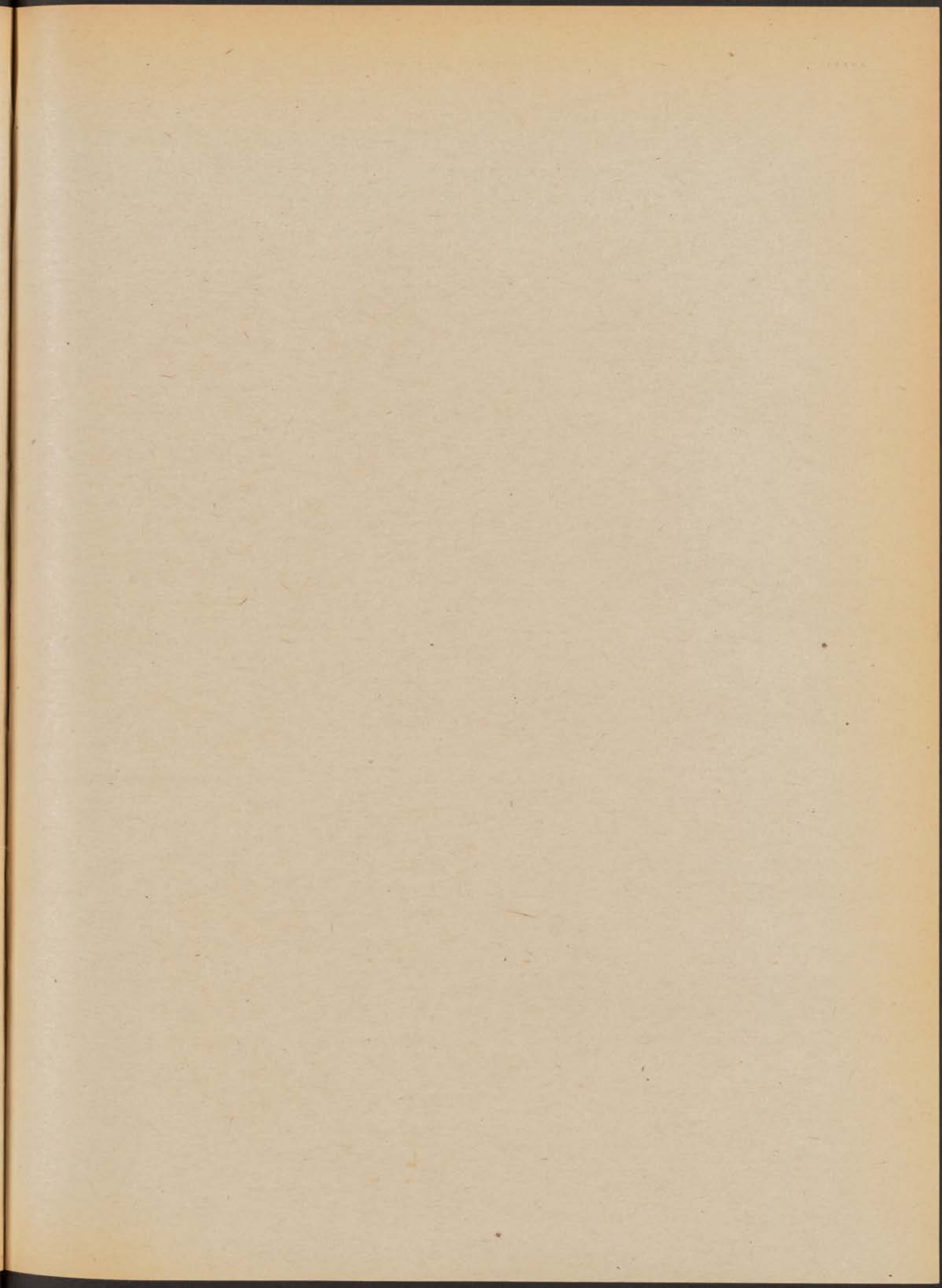
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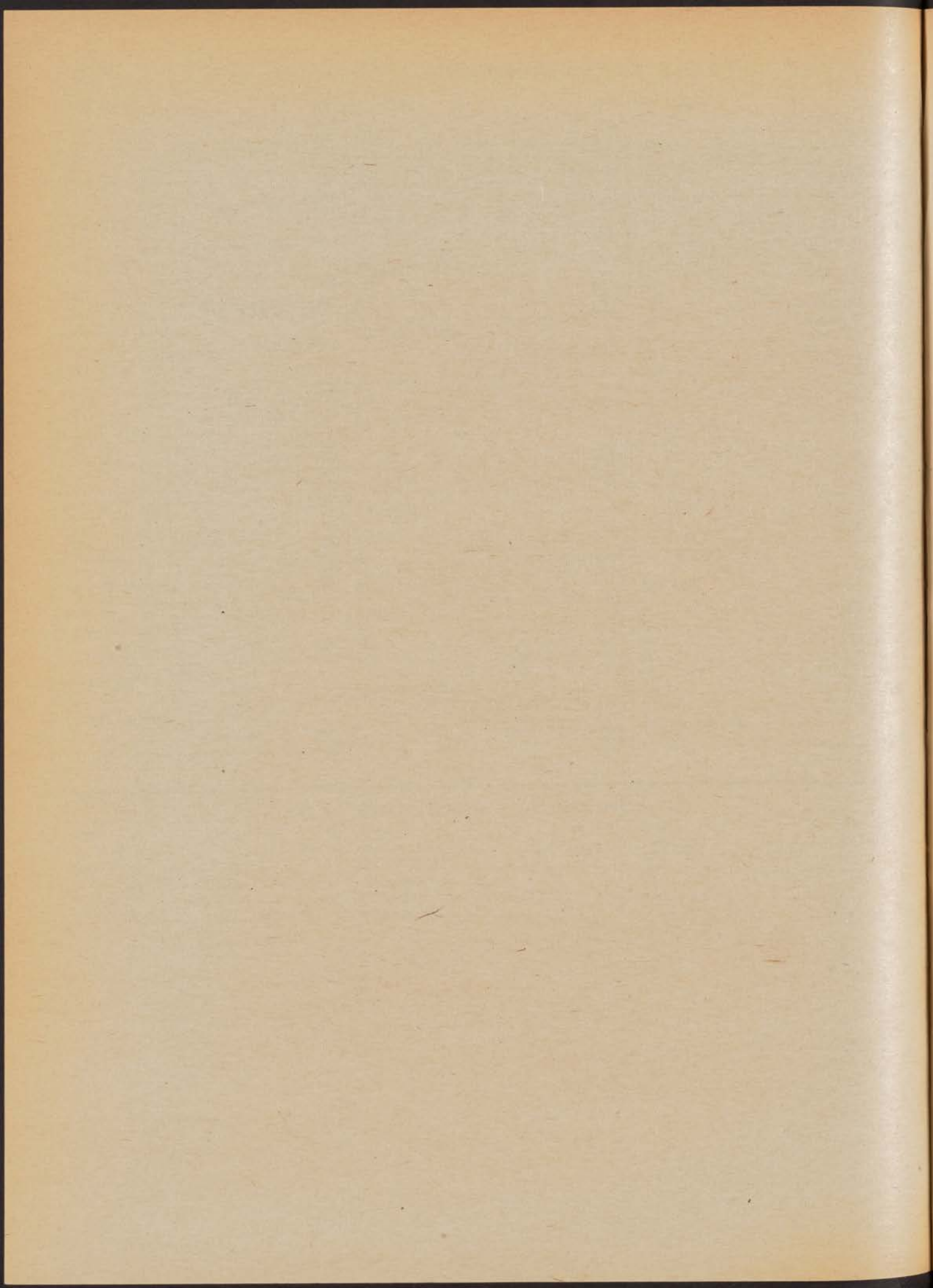
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