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Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATIONS OF ECONOMIC UNITS

Real Estate and Insurance Premiums

Subpart D of Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended in § 101.33(a)(2)(iv), to broaden the scope of the original exemption for lessors of four or less rental units by eliminating the owner occupancy and the more than month-to-month lease requirements. The Council determined that the exemption as originally formulated exempted less than the number of units intended and publicly announced.

Because the purpose of this regulation is to amend and modify Part 101 to provide immediate guidance and information as to Cost of Living Council decisions, the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit written comments regarding the above amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

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

DONALD RUMSFELD,
Director,
Cost of Living Council.

Part 101 of Chapter I of title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart D is revised and amended in § 101.33(a)(2)(iv) to read as follows:

§ 101.33 Real estate and insurance premiums.

(a) * * *

(2) * * *

(iv) Single family dwelling rental units and rental units in multifamily dwellings, provided the owner of such units and members of his family (as defined in section 318 of the Internal Revenue Code of 1954, as amended) do not own or have an interest, directly or indirectly, in more than an aggregate of four such rental units.

* * * * *

[FR Doc.72-7927 Filed 5-23-72;8:50 am]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Effect of Failure To File Certain Required Reports; Violations of Profit Margin Limitations

The purpose of this amendment is to add two new sections, § 300.53, relating to the effect of failure to file certain reports required by or under Part 300, and § 300.54, relating to Price Commission actions with respect to violations of profit margin limitations.

Several sections of the Commission's regulations in Part 300 require reports to be made by persons subject thereto, or authorize reports to be administratively required. However, there has been no administrative penalty provided for failure to file the required reports; and several persons have not filed the reports. The new § 300.53 prohibits the implementation of further price increases by a person who has not complied with a reporting requirement; provides for the suspension of action on pending requests for price increases or exceptions by such a person; authorizes the Commission to require such a person to reduce any of its prices, when appropriate under the circumstances; and provides that each day's failure to comply is a separate violation.

The new § 300.54 sets forth a variety of possible Commission actions, depending on when the violation is committed, against any person who charges a price above the base price, or charges a price pursuant to a contract entered into before August 15, 1971, if that person's profit margin does or will, as a result of the price increase, in the fiscal year in which the charge is made, exceed its base period profit margin. In the case of a prenotification or reporting firm, the penalties may be applied if its profit margin for any quarter of the fiscal year, after the charge is made, is at a rate that would exceed its base period profit margin, and the person fails to demonstrate that its base period profit margin will not be exceeded for that fiscal year.

Section 203 of the Economic Stabilization Act delegates to the President specific and exceptional authority to "prevent" and "eliminate" the accumulation of "windfall profits" under the stabilization program. Pursuant to its delegated authority with respect to the stabilization of prices, the Price Commission has prohibited any profit margin in excess of the base period profit margin which results from price increases. When such a profit margin excess results from price increases, despite a reasonable effort by firms to abide by the profit margin limitations and other price control regulations, the increase in profit margin over the base period profit margin, attributable to the price increase, may reasonably be considered to be a sudden and unexpected gain in profit and therefore a "windfall profit" within the meaning of the term as used in the Act. The Price Commission has authority on this ground to "prevent" and "eliminate" profit margin excesses by appropriate regulation.

The authority of the Price Commission to determine price levels results from the delegation of authority in section 203 of the Act to the President to stabilize prices, and further delegation of that authority through the Cost of Living Council to the Price Commission. The authority to fix prices includes the authority to deny all price increases and to permit such price increases as, in the discretion of the Price Commission, appear necessary and proper. It follows that where profit margin increases result from price increases the Price Commission has the authority on these grounds to prevent and eliminate resulting profit margin excesses by ordering appropriate refunds and price reductions whenever the Price Commission, in its discretion, considers it necessary and proper to do so in order to control inflation and fulfill the other purposes of the Economic Stabilization Act.

In accordance with well-established rules of statutory interpretation, any doubt as to the scope of power granted in an enactment is to be resolved in such a way as to promote, and not to embarrass or defeat, the purposes of the enactment. The statement of purpose in the Economic Stabilization Act sets forth the following as objects or purposes of the Act: (1) To stabilize the economy, (2) to reduce inflation, (3) to minimize unemployment, (4) to improve the Nation's competitive position in world trade, and (5) to protect the purchasing power of the dollar. The means by which these objects are to be fulfilled, according to that statement (section 202), are the stabilization of prices, rents, wages, salaries, dividends, and interest. Therefore, the authority delegated to the President to stabilize prices must be fully adequate to achieve fulfillment of the broad objects stated; and as the prevention and elimination of windfall or unwarranted profits is a specifically mentioned goal of the price stabilization program, these administrative remedies are included within those powers delegated by Congres to the President as necessary to stabilize the economy, to reduce inflation, and to fulfill the other objects of the Economic Stabilization Act.

The new § 300.54 provides for the imposition, in certain cases, of a reduction of revenues by an amount equal to two or three times the amount of the revenues derived from the illegal prices, as required for the purposes of the program. Such provisions are necessary because

of the limited duration of the authority under the Economic Stabilization Act; the built-in time lag in determining profit margin overages; the great importance to the Nation of effective implementation of the purposes of the Act without delay; and a need for a strong deterrent—in the absence of which persons could freely violate the limitations with the knowledge that, at worst, they would be ordered back only to their former position with respect to an illegally increased price.

Because the purpose of this amendment is to advise persons concerned of actions which the Price Commission may take administratively with respect to failure to comply with certain requirements of the regulations, in lieu of or in addition to civil and criminal penalties already provided, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

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

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective May 19, 1972.

Issued in Washington, D.C., on May 19, 1972.

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

The following new sections are added after § 300.52:

§ 300.53 Effect of failure to file reports required by or under certain sections of this part.

(a) If a person who is required to file a report with the Price Commission by or under §§ 300.16, 300.16a, 300.20, 300.31, 300.51, 300.52, 300.54, or any other section of this part pertaining to reports, does not, within the time limits prescribed in or pursuant to that section, file a report (including any optional report) which complies with that section or an order issued under that section—

(1) The person may not implement any further price increases until he has complied with that reporting requirement and has obtained the specific approval of the Commission;

(2) Action on all pending requests for price increases or exceptions by that person are suspended until it has complied with the reporting requirement; and

(3) The Commission may, whenever it considers it appropriate under the circumstances, order the person to reduce any of its prices.

(b) Each day that a person fails to comply with a reporting requirement pursuant to §§ 300.16, 300.16a, 300.20, 300.31, 300.51, 300.52, 300.54, or any other section of this part pertaining to reports, or an order under any of those sections, is considered to constitute a separate violation of this part or that order.

§ 300.54 Profit margin limitations and prevention of windfall profits: Price Commission actions.

(a) Applicability: This section applies to manufacturers, service organizations, retailers, wholesalers, and providers of health services. It does not apply to public utilities covered by § 300.16 or § 300.16a; to insurers covered by § 300.20; or to any firm covered by § 300.31, so long as it is within the profit margin limits allowed by that section.

(b) General: For the purposes of determining whether a person is in violation of a profit margin limitation prescribed in this part, the Price Commission may make the determination—

(1) In the case of any person, on the basis of whether that person's profit margin, for the fiscal year in which it made a charge above a base price or charge under a contract entered into before August 15, 1971, exceeded its base period profit margin; and

(2) In the case of a prenotification or reporting firm, on the basis of whether that person's profit margin for any quarter of that fiscal year, after such a charge is made, is at a rate that would, when projected for the entire fiscal year, exceed its base period profit margin and the firm fails to demonstrate, to the satisfaction of the Price Commission, that its base period profit margin will not be exceeded for that fiscal year, for reasons such as seasonal patterns.

(c) Price Commission actions: The Price Commission may take any action specified in paragraph (d), (e), (f), or (h) of this section, as applicable, with respect to a violation of a profit margin limitation prescribed in this part.

(d) Violations during first, second, or third quarter of person's fiscal year: Whenever, pursuant to paragraph (b) (2) of this section, the Price Commission determines that a person is illegally exceeding its base period profit margin for the first quarter, or for the second or third quarter (on a cumulative basis), the Commission may, at the option of the violator, order the action specified in subparagraph (1) or (2) of this paragraph.

(1) (i) Order the person immediately to lower the price of any or all of its products or services to base price levels; and

(ii) Order either—

(*a*) A refund, within a period prescribed by the Price Commission, of the revenues derived from the prices charged in violation of this section to the extent that they exceeded the revenues from the prices which otherwise would have been chargeable, to the persons who paid those prices, if they are reasonably identifiable; or

(*b*) If those persons are not reasonably identifiable, a reduction of the prices below base price levels by an amount that will equal the amount by which the revenues from the prices in violation of this section exceeded the prices which otherwise would have been chargeable, by the end of fiscal quarter following the fiscal quarter in which the order of the Commission is issued.

(2) (i) With respect to a violation occurring during the first quarter of the person's fiscal year, order price reductions sufficient to insure that the profit margin on the person's quarterly report for the fiscal quarter following the fiscal quarter in which the order of the Commission is issued will not exceed the person's base period profit margin.

(ii) With respect to a violation occurring during the second quarter of the person's fiscal year, order price reductions sufficient to insure that the profit margin on the person's quarterly report for the last quarter of its fiscal year will not exceed the person's base period profit margin.

(iii) With respect to a violation occurring during the third quarter of the person's fiscal year, order price reductions sufficient to insure that the profit margin on the person's quarterly report for the first quarter of the fiscal year following the fiscal year in which the violation occurred will not exceed the person's base period profit margin.

(e) Violation for fiscal year, if persons who paid the illegal charges are reasonably identifiable: Whenever, pursuant to paragraph (b) (1) or (b) (2) of this section, the Price Commission determines that a person has illegally exceeded its base period profit margin for the fiscal year, and the persons who paid the illegal prices are reasonably identifiable, the Commission may order—

(1) The refund of revenues derived from the prices in violation to the extent that they exceed the revenues from prices which otherwise would have been chargeable, or the dollar value of the excess profit margin, whichever is less; and

(2) The reduction of prices to the extent necessary to lower the person's revenues by an amount equal to two times the amount that the revenues derived from the prices in violation exceeded the revenues which otherwise would have been realized, or equal to two times the dollar value of the excess profit margin, whichever is less, by the end of the third quarter of the fiscal year following the fiscal year in which the violation occurred.

(f) Violation for fiscal year, if persons who paid the illegal charges are not reasonably identifiable: Whenever, pursuant to paragraph (b) (1) or (b) (2) of this section, the Price Commission determines that a person has illegally exceeded its base period profit margin for the fiscal year, and the persons who paid the illegal prices are not reasonably identifiable, the Commission may order the reduction of prices to the extent necessary to lower the person's revenues by an amount equal to three times the amount that the revenues derived from the prices in violation exceeded the revenues which would otherwise have been realized, or equal to three times the dollar value of the excess profit margin, whichever is less, by the end of the third

quarter of the fiscal year following the fiscal year in which the violation occurred.

(g) For the purpose of computing a person's profit margin in any quarter or fiscal year following a quarter in which he made refunds or reductions pursuant to an order issued under this section, that person may not be allowed to deduct from its revenues the amount of those refunds or reductions that it made.

(h) If a person violates any provision of an order issued under this section, the Price Commission may order it to reduce prices still further to the extent necessary to lower its revenues by an amount equal to two times the amount ordered to be refunded or reduced under this section, reduced by any extent that the person has partially complied with the previous order.

(i) In any case in which the Commission considers a person to be in violation of its profit margin limitations, the Commission may order that person to make no further price increases without the specific approval of the Commission.

[FR Doc.72-7843 Filed 5-23-72;8:48 am]

Title 7—AGRICULTURE

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for the Inspection of Certain Agricultural and Vegetable Seeds for Quality

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the schedule of maximum fees in 7 CFR 68.42b is amended as provided below.

Statement of considerations. Federal seed inspection services under the Agricultural Marketing Act of 1946 are voluntary in nature. The Act provides for the collection of fees which are equal to or as nearly as may be to the cost of the inspection services rendered under its provisions. This amendment increases the base rates by approximately 15 percent. The changes are necessary to recover the cost of recent general salary increases to Federal employees, increased per diem rates, and other increased costs.

The amended schedule of fees shows the maximum fees for each test for each kind. If less time is required for such tests, a smaller fee will be charged, but not less than the minimum fee, as indicated in § 68.42b, will be charged for any service.

Section 68.42b is amended to read:

§ 68.42b Fees and charges for the inspection of agricultural and vegetable seeds.

(a) The fee for each germination, purity, and noxious-weed seed test shall be at the rate of $11 per hour, in increments of 15 minutes or any part thereof, but not less than $5.50 for any test and not more than the maximum fee as specified in the following table, except that no maximum is applicable to especially difficult tests such as 400-seed separations for kind or variety; mottled seed counts of sweetclover; or noxious-weed seed examinations of bluegrass for annual bluegrass, wheatgrasses for quackgrass, and sudangrass for johnsongrass; or to tests of certain kinds or varieties of seeds as indicated in the table.

MAXIMUM FEES

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed seeds	Germination, purity and noxious-weed seeds
AGRICULTURAL SEEDS						
Alfalfa	$11.00	$8.25	$16.50	$11.00	$16.50	$24.75
Alfilaria	(1)	(1)	11.00	(1)	(1)	(1)
Alyceclover	11.00	13.75	22.00	11.00	22.00	30.25
Bahiagrass	(1)	(1)	11.00	(1)	(1)	(1)
Barley	11.00	11.00	19.25	11.00	19.25	27.50
Barrelclover	11.00	8.25	16.50	11.00	19.25	24.75
Bean:						
Adzuki	11.00	8.25	16.50	5.50	11.00	19.25
Field	13.75	5.50	16.50	5.50	8.25	19.25
Mung	11.00	8.25	16.50	5.50	11.00	19.25
Beet:						
Field	13.75	8.25	19.25	5.50	11.00	22.00
Sugar	13.75	8.25	19.25	5.50	11.00	22.00
Beggarweed	13.75	11.00	22.00	8.25	16.50	27.50
Bentgrass:						
Colonial	11.00	16.50	24.75	11.00	24.75	33.00
Creeping	11.00	16.50	24.75	11.00	24.75	33.00
Velvet	11.00	16.50	24.75	11.00	24.75	33.00
Bermudagrass:						
Common	13.75	22.00	33.00	11.00	30.25	41.25
Giant	13.75	22.00	33.00	11.00	30.25	41.25
Bluegrass:						
Bulbous	13.75	13.75	24.75	11.00	22.00	33.00
Canada	11.00	16.50	24.75	16.50	30.25	38.50
Glaucantha	11.00	16.50	24.75	16.50	30.25	38.50
Kentucky	11.00	16.50	24.75	16.50	30.25	38.50
Nevada	11.00	13.75	22.00	11.00	22.00	30.25
Rough	11.00	16.50	24.75	16.50	35.75	44.00
Texas	11.00	11.00	19.25	11.00	19.25	27.50
Wood	11.00	16.50	24.75	16.50	30.25	38.50
Bluestem:						
Big	(1)	(1)	11.00	(1)	(1)	(1)
Little	(1)	(1)	11.00	(1)	(1)	(1)
Sand	(1)	(1)	11.00	(1)	(1)	(1)
Yellow	(1)	(1)	11.00	(1)	(1)	(1)
Brome:						
Field	11.00	13.75	22.00	11.00	22.00	30.25
Mountain	13.75	11.00	22.00	8.25	16.50	27.50
Smooth	11.00	13.75	22.00	11.00	22.00	30.25
Broomcorn	11.00	8.25	19.25	8.25	13.75	24.75
Buckwheat	11.00	8.25	19.25	8.25	13.75	24.75
Buffalograss	(1)	(1)	11.00	(1)	(1)	(1)
Buffelgrass	(1)	(1)	11.00	(1)	(1)	(1)
Bur-clover:						
California	11.00	8.25	16.50	11.00	16.50	24.75
Spotted	11.00	8.25	16.50	11.00	16.50	24.75
Burnet, little	11.00	8.25	16.50	8.25	13.75	22.00
Buttonclover	11.00	8.25	16.50	11.00	16.50	24.75
Canarygrass	11.00	8.25	16.50	8.25	13.75	22.00
Canarygrass, reed	11.00	16.50	24.75	8.25	22.00	30.25
Carpetgrass	11.00	13.75	22.00	13.75	24.75	33.00
Castorbean	13.75	5.50	16.50	5.50	8.25	19.25
Chess, soft	11.00	13.75	22.00	11.00	22.00	30.25
Chickpea	13.75	5.50	16.50	5.50	8.25	19.25
Clover:						
Alsike	11.00	11.00	19.25	8.25	16.50	24.75
Berseem	11.00	8.25	16.50	8.25	13.75	22.00
Cluster	11.00	11.00	19.25	11.00	19.25	27.50
Crimson	11.00	8.25	16.50	11.00	16.50	24.75
Hop, large	11.00	11.00	19.25	11.00	19.25	27.50
Hop, small	11.00	8.25	16.50	11.00	16.50	24.75
Kenya	11.00	8.25	16.50	8.25	13.75	22.00
Ladino	11 00	8.25	16.50	11.00	16.50	24.75
Lappa	11.00	8.25	16.50	8.25	13.75	22.00
Persian	11.00	11.00	19.25	8.25	16.50	24.75
Red	11.00	8.25	16.50	11.00	16.50	24.75
Rose	11.00	8.25	16.50	8.25	13.75	22.00
Strawberry	11.00	8.25	16.50	8.25	13.75	22.00
Sub	11.00	8.25	16.50	8.25	13.75	22.00
White	11.00	11.00	19.25	11.00	19.25	27.50

MAXIMUM FEES—Continued

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed seeds	Germination, purity and noxious-weed seeds
Corn:						
Field	11.00	8.25	16.50	5.50	11.00	19.25
Pop	11.00	8.25	16.50	5.50	11.00	19.25
Cotton	11.00	8.25	16.50	8.25	13.75	22.00
Cowpea	13.75	11.00	19.25	5.50	13.75	22.00
Crested dogtail	11.00	11.00	19.25	11.00	19.25	27.50
Crotalaria:						
Lance	13.75	8.25	19.25	8.25	13.75	27.50
Showy	13.75	8.25	19.25	8.25	13.75	27.50
Slender leaf	13.75	8.25	19.25	8.25	13.75	27.50
Striped	13.75	8.25	19.25	8.25	13.75	27.50
Sunn	13.75	8.25	19.25	8.25	13.75	27.50
Crownvetch	11.00	8.25	19.25	8.25	13.75	24.75
Dallisgrass	13.75	22.00	33.00	11.00	30.25	41.25
Dichondra	11.00	11.00	19.25	11.00	19.25	27.50
Dropseed, sand	11.00	8.25	19.25	11.00	16.50	24.75
Emmer	11.00	8.25	16.50	8.25	13.75	22.00
Fescue:						
Chewings	11.00	13.75	22.00	11.00	22.00	30.25
Hair	11.00	13.75	22.00	11.00	22.00	30.25
Hard	11.00	13.75	22.00	11.00	22.00	30.25
Meadow	11.00	13.75	22.00	11.00	22.00	30.25
Red	11.00	13.75	22.00	11.00	22.00	30.25
Sheep	11.00	13.75	22.00	11.00	22.00	30.25
Tall	11.00	13.75	22.00	13.75	24.75	33.00
Flax	11.00	11.00	19.25	11.00	19.25	27.50
Grama:						
Blue	(1)	(1)	11.00	(1)	(1)	(1)
Side-oats	(1)	(1)	11.00	(1)	(1)	(1)
Guar	11.00	8.25	16.50	8.25	13.75	22.00
Guineagrass	11.00	22.00	30.25	13.75	33.00	41.25
Hardinggrass	11.00	8.25	16.50	8.25	13.75	22.00
Hemp	11.00	5.50	13.75	5.50	8.25	16.50
Indiangrass, yellow	(1)	(1)	11.00	(1)	(1)	(1)
Indigo, hairy	11.00	8.25	16.50	8.25	13.75	22.00
Japanese lawngrass	11.00	22.00	30.25	8.25	27.50	35.75
Johnsongrass	13.75	11.00	22.00	11.00	22.00	30.25
Kudzu	11.00	8.25	16.50	8.25	13.75	22.00
Lentil	11.00	8.25	16.50	8.25	13.75	22.00
Lespedeza:						
Korean	11.00	16.50	24.75	16.50	30.25	38.50
Sericea	11.00	11.00	19.25	13.75	22.00	30.25
Siberian	11.00	13.75	22.00	13.75	24.75	33.00
Striate	11.00	13.75	22.00	13.75	24.75	33.00
Lovegrass:						
Sand	11.00	11.00	19.25	11.00	19.25	30.25
Weeping	11.00	11.00	19.25	11.00	19.25	30.25
Lupine:						
Blue	13.75	8.25	19.25	5.50	11.00	22.00
White	13.75	8.25	19.25	5.50	11.00	22.00
Yellow	13.75	8.25	19.25	5.50	11.00	22.00
Manilagrass	11.00	22.00	30.25	8.25	27.50	35.75
Meadow foxtail	11.00	13.75	22.00	8.25	19.25	27.50
Medick, black	11.00	8.25	16.50	11.00	16.50	24.75
Millet:						
Browntop	13.75	11.00	22.00	11.00	19.25	30.25
Foxtail	11.00	8.25	16.50	8.25	13.75	22.00
Japanese	11.00	11.00	19.25	11.00	19.25	27.50
Pearl	11.00	8.25	16.50	8.25	13.75	22.00
Proso	11.00	8.25	16.50	8.25	13.75	22.00
Molassesgrass	(1)	(1)	11.00	(1)	(1)	(1)
Mustard:						
India	11.00	8.25	16.50	8.25	13.75	22.00
Black	11.00	8.25	16.50	8.25	13.75	22.00
White	11.00	8.25	16.50	8.25	13.75	22.00
Napiergrass	11.00	8.25	16.50	8.25	13.75	22.00
Oat	11.00	11.00	19.25	11.00	19.25	27.50
Oatgrass, tall	11.00	16.50	24.75	11.00	24.75	33.00
Orchardgrass	11.00	19.25	27.50	13.75	30.25	38.50
Panicgrass:						
Blue	11.00	11.00	19.25	11.00	19.25	27.50
Green	11.00	16.50	24.75	11.00	24.75	33.00

MAXIMUM FEES—Continued

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed seeds	Germination, purity and noxious-weed seeds
Peanut	13.75	8.25	19.25	5.50	11.00	22.00
Pea, field	13.75	5.50	16.50	5.50	8.25	19.25
Rape:						
Annual	11.00	8.25	19.25	11.00	19.25	27.50
Bird	11.00	8.25	19.25	11.00	19.25	27.50
Turnip	11.00	8.25	19.25	11.00	19.25	27.50
Winter	11.00	8.25	19.25	11.00	19.25	27.50
Redtop	11.00	13.75	22.00	11.00	22.00	30.25
Rescuegrass	13.75	11.00	22.00	8.25	19.25	27.50
Rhodesgrass	(1)	(1)	11.00	(1)	(1)	(1)
Rice	13.75	8.25	19.25	8.25	13.75	24.75
Ricegrass, Indian	13.75	8.25	19.25	8.25	13.75	24.75
Roughpea	11.00	8.25	19.25	8.25	13.75	24.75
Rye	11.00	13.75	22.00	13.75	24.75	33.00
Ryegrass:						
Annual	11.00	8.25	19.25	13.75	19.25	30.25
Perennial	11.00	8.25	19.25	13.75	19.25	30.25
Wimmera	11.00	8.25	19.25	13.75	19.25	30.25
Safflower	11.00	5.50	13.75	5.50	8.25	16.50
Sainfoin	11.00	8.25	19.25	8.25	13.75	24.75
Sesame	11.00	8.25	19.25	8.25	13.75	24.75
Sesbania	11.00	8.25	19.25	8.25	13.75	24.75
Smilo	11.00	8.25	19.25	8.25	13.75	24.75
Sorghum	11.00	8.25	16.50	8.25	13.75	22.00
Sorghum-sudangrass hybrid	11.00	8.25	16.50	8.25	13.75	22.00
Sorghum almum	11.00	11.00	19.25	11.00	19.25	27.50
Sorgrass	11.00	11.00	19.25	11.00	19.25	27.50
Sourclover	11.00	8.25	16.50	11.00	16.50	24.75
Soybean	13.75	5.50	16.50	5.50	8.25	19.25
Spelt	11.00	8.25	16.50	8.25	13.75	22.00
Sudangrass	11.00	11.00	19.25	11.00	19.25	27.50
Sunflower	11.00	5.50	13.75	5.50	8.25	16.50
Sweetclover:						
White	11.00	11.00	19.25	11.00	19.25	27.50
Yellow	11.00	11.00	19.25	11.00	19.25	27.50
Sweet vernalgrass	11.00	11.00	19.25	8.25	16.50	24.75
Switchgrass	11.00	11.00	19.25	8.25	16.50	24.75
Timothy	11.00	8.25	16.50	11.00	16.50	24.75
Tobacco	(1)	(1)	11.00	(1)	(1)	(1)
Trefoil:						
Big	11.00	11.00	19.25	11.00	19.25	27.50
Birdsfoot	11.00	11.00	19.25	11.00	19.25	27.50
Vaseygrass	11.00	16.50	24.75	11.00	24.75	33.00
Veldtgrass	11.00	16.50	24.75	11.00	24.75	33.00
Velvetbean	13.75	5.50	16.50	5.50	8.25	19.25
Velvetgrass	11.00	16.50	24.75	11.00	24.75	33.00
Vetch:						
Common	11.00	11.00	19.25	8.25	16.50	24.75
Hairy	11.00	11.00	19.25	8.25	16.50	24.75
Hungarian	11.00	11.00	19.25	8.25	16.50	24.75
Monantha	11.00	8.25	16.50	8.25	13.75	22.00
Narrowleaf	11.00	11.00	19.25	8.25	16.50	24.75
Purple	11.00	11.00	19.25	8.25	16.50	24.75
Woollypod	11.00	11.00	19.25	8.25	16.50	24.75
Wheat:						
Common	11.00	8.25	16.50	8.25	13.75	22.00
Club	11.00	8.25	16.50	8.25	13.75	22.00
Durum	11.00	8.25	16.50	8.25	13.75	22.00
Polish	11.00	8.25	16.50	8.25	13.75	22.00
Poulard	11.00	8.25	16.50	8.25	13.75	22.00
Wheatgrass:						
Beardless	11.00	13.75	22.00	8.25	19.25	27.50
Crested, fairway	11.00	13.75	22.00	8.25	19.25	27.50
Crested, standard	11.00	13.75	22.00	8.25	19.25	27.50
Intermediate	11.00	13.75	22.00	8.25	19.25	27.50
Pubescent	11.00	13.75	22.00	8.25	19.25	27.50
Siberian	11.00	13.75	22.00	8.25	19.25	27.50
Slender	11.00	13.75	22.00	8.25	19.25	27.50
Tall	11.00	13.75	22.00	8.25	19.25	27.50
Western	13.75	13.75	24.75	8.25	19.25	30.25

MAXIMUM FEES—Continued

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed seeds	Germination, purity and noxious-weed seeds
Wild-rye:						
Canada	11.00	11.00	19.25	8.25	16.50	24.75
Russian	11.00	11.00	19.25	8.25	16.50	24.75
VEGETABLE SEEDS						
Artichoke	11.00	8.25	16.50	8.25	13.75	22.00
Asparagus	11.00	8.25	16.50	8.25	13.75	22.00
Asparagusbean	13.75	5.50	16.50	5.50	8.25	19.25
Bean:						
Garden	13.75	5.50	16.50	5.50	8.25	19.25
Lima	13.75	5.50	16.50	5.50	8.25	19.25
Runner	13.75	5.50	16.50	5.50	8.25	19.25
Beet	13.75	8.25	19.25	8.25	13.75	24.75
Broadbean	13.75	5.50	16.50	5.50	8.25	19.25
Broccoli	11.00	8.25	16.50	8.25	13.75	22.00
Brussels sprouts	11.00	8.25	16.50	8.25	13.75	22.00
Burdock, great	11.00	8.25	16.50	8.25	13.75	22.00
Cabbage	11.00	8.25	16.50	8.25	13.75	22.00
Cabbage, Chinese	11.00	8.25	16.50	8.25	13.75	22.00
Cabbage, tronchuda	11.00	8.25	16.50	8.25	13.75	22.00
Canteloupe (see muskmelon)						
Cardoon	11.00	11.00	19.25	8.25	16.50	24.75
Carrot	11.00	11.00	19.25	11.00	19.25	27.50
Cauliflower	11.00	8.25	16.50	8.25	13.75	22.00
Celeriac	11.00	11.00	16.50	8.25	19.25	22.00
Chard, Swiss	13.75	8.25	19.25	8.25	13.75	24.75
Chicory	11.00	11.00	19.25	11.00	19.25	27.50
Chives	11.00	8.25	16.50	11.00	16.50	24.75
Citron	11.00	5.50	13.75	5.50	8.25	16.50
Collards	11.00	8.25	16.50	8.25	13.75	22.00
Corn, sweet	13.75	5.50	16.50	5.50	8.25	19.25
Cornsalad	11.00	11.00	19.25	11.00	19.25	27.50
Cowpea	13.75	8.25	19.25	5.50	11.00	22.00
Cress:						
Garden	11.00	8.25	16.50	11.00	16.50	24.75
Upland	11.00	8.25	16.50	11.00	16.50	24.75
Water	11.00	11.00	19.25	11.00	19.25	27.50
Cucumber	11.00	5.50	13.75	5.50	8.25	16.50
Dandelion	11.00	11.00	19.25	11.00	19.25	27.50
Eggplant	11.00	8.25	19.25	8.25	13.75	24.75
Endive	11.00	11.00	19.25	11.00	19.25	27.50
Kale	11.00	8.25	16.50	8.25	13.75	22.00
Kale, Chinese	11.00	8.25	16.50	8.25	13.75	22.00
Kale, Siberian	11.00	8.25	16.50	8.25	13.75	22.00
Kohlrabi	11.00	8.25	16.50	8.25	13.75	22.00
Leek	11.00	8.25	16.50	11.00	16.50	24.75
Lettuce	11.00	8.25	16.50	8.25	13.75	22.00
Muskmelon	11.00	5.50	13.75	5.50	8.25	16.50
Mustard, India	11.00	8.25	16.50	8.25	13.75	22.00
Mustard, spinach	11.00	8.25	19.25	8.25	13.75	22.00
Okra	11.00	8.25	19.25	8.25	13.75	24.75
Onion	11.00	8.25	16.50	11.00	16.50	24.75
Onion, Welsh	11.00	8.25	16.50	11.00	16.50	24.75
Pak-choi	11.00	8.25	16.50	8.25	13.75	22.00
Parsley	11.00	11.00	19.25	11.00	19.25	27.50
Parsnip	11.00	11.00	19.25	11.00	19.25	27.50
Pea	13.75	5.50	16.50	5.50	8.25	19.25
Pepper	11.00	8.25	19.25	8.25	13.75	24.75
Pumpkin	11.00	5.50	13.75	5.50	8.25	16.50
Radish	11.00	8.25	19.25	8.25	13.75	24.75
Rhubarb	13.75	5.50	16.50	5.50	8.25	19.25
Rutabaga	11.00	8.25	16.50	8.25	13.75	22.00
Salsify	11.00	8.25	19.25	8.25	13.75	24.75
Sorrel	11.00	8.25	19.25	8.25	13.75	24.75
Soybean	13.75	5.50	16.50	5.50	8.25	19.25
Spinach	11.00	8.25	16.50	5.50	11.00	19.25
Spinach, New Zealand	13.75	8.25	19.25	5.50	11.00	22.00
Squash	11.00	5.50	13.75	5.50	8.25	16.50
Tomato	11.00	8.25	19.25	8.25	13.75	24.75
Tomato, husk	11.00	8.25	19.25	8.25	13.75	24.75
Turnip	11.00	8.25	16.50	8.25	13.75	22.00
Watermelon	11.00	5.50	13.75	5.50	8.25	16.50

[1] The fee of $11 per hour applies to all columns.

(b) Sampling, sealing, checkweighing, checkloading, inspection of condition of containers, and any similar services shall be at the rate of $11 per hour, with a 2-hour minimum commencing when the official sampler or inspector arrives at the point of service and terminating when the sampler or inspector departs from the point of service, computed to the nearest quarter hour (less meal time, if any). This same rate applies regardless of the hour of the day or the location of the plant where the service is rendered.

The establishment of the above fees and charges for services depends upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the administrative procedure provisions of 5 U.S.C. section 553, it is found upon good cause that notice and other public rule making procedures on the amendment are impracticable and unnecessary.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended, 37 F.R. 6327; 36 F.R. 13169)

Effective date. This amendment shall become effective July 1, 1972.

Done in Washington, D.C., on May 17, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-7671 Filed 5-23-72;8:45 am]

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

PART 911—LIMES GROWN IN FLORIDA

Order Amending the Order, as Amended

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on November 10, 11, and 12, 1971, upon proposed amendments to the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of limes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order, as amended and as hereby further amended, that makes necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendatory order effective upon publication in the FEDERAL REGISTER (5 U.S.C. 553). The provisions of this order authorize the Secretary to fix the quantity of limes which may be handled each week, for a maximum of 8 weeks, during an 18-week regulatory period, beginning with the week preceding the first full week in May. Shipments of the current crop of limes in limited quantities began on April 1, 1972, and shipments in volume are expected to begin on or about June 1, 1972. It is necessary that this amendatory order which provides authority to fix the quantity of limes which may be handled each of such weeks be made effective at the time specified herein in order to effectuate the declared policy of the act; weekly volume limitation, as provided in this amendment, should be applicable to such shipments as soon as is practicable in order to effectuate the declared policy of the act, and no useful purpose would be served by delaying the effective date beyond the time specified herein. The provisions of this order are well known to producers and handlers. The public hearing in connection therewith was held at Homestead, Fla., on November 10 through 12, 1971, and the recommended decision and final decision were published in the FEDERAL REGISTER on March 2, 1972 (37 F.R. 4345) and April 5, 1972 (37 F.R. 6855), respectively. Copies of the provisions of the amendatory order were made available to all known interested parties, and such provisions do not require any advance preparation on the part of persons affected thereby which cannot be completed prior to the effective time hereof.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of limes grown in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the limes covered by this order) who, during the period beginning April 1, 1971, through March 31, 1972, handled more than 50 percent of the volume of limes covered by the said order, as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1971, through March 31, 1972), were engaged in the production area, in the production of limes for market; such producers having also produced for market at least two-thirds of the volume of limes represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended, as follows:

1. The title of § 911.10 *Handle* and that part of the first sentence of the section preceding (a) are amended to read, respectively, as follows:

§ 911.10 Handle or ship.

"Handle" is synonymous with "ship" and means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: * * *

2. Section 911.30 *Procedure* is amended by revising paragraph (a) and adding a new paragraph (c) to read, respectively, as follows:

§ 911.30 Procedure.

(a) Except as provided in paragraph (c) of this section, six members of the committee, including alternates acting for members, shall constitute a quorum and any decision, recommendation or other action of the committee shall require not less than five concurring votes including one by a handler member or an alternate acting as such.

* * * * *

(c) For any recommendation of the committee pursuant to § 911.53 as to the total quantity of limes deemed advisable to be handled during any week immediately following two or more continuous weeks of regulation pursuant to § 911.54 nine members of the committee, including alternates acting for members, shall constitute a quorum and nine concuring votes shall be required. The quorum and voting requirements specified in this paragraph shall not apply to recommendations pursuant to § 911.53 to increase the quantity that may be handled during the applicable week or pursuant to § 911.54 to terminate or suspend a regulation.

3. Sections 911.50 through 911.56 are redesignated and amended as indicated:

a. Section 911.50 *Marketing policy* is redesignated as § 911.46 and amended by revising the introductory sentence and paragraph (d) to read, respectively, as follows:

§ 911.46 Marketing policy.

Each fiscal year prior to making any recommendation pursuant to § 911.47 or § 911.53, the committee shall submit to the Secretary a report setting forth its marketing policy for such fiscal year.

* * * * *

(d) The expected shipments of limes produced in the production area and in other areas including foreign competing areas, together with a schedule of estimated weekly shipments of limes during such fiscal year;

* * * * *

b. Section 911.51 *Recommendations for regulation* is redesignated as § 911.47 and in paragraph (a) of such section "§ 911.52" is changed to "§ 911.48".

c. Section 911.52 *Issuance of regulations* is redesignated as § 911.48.

d. Section 911.53 *Modification, suspension, or termination of regulations* is redesignated as § 911.49 and in paragraph (a) of such section "§ 911.52" is changed to "§ 911.48".

e. Section 911.54 *Exemption certificate* is redesignated as § 911.50 and in the first sentence of such section "§ 911.52" is changed to "§ 911.48".

f. Section 911.55 *Inspection and certification* is redesignated as § 911.51 and in the first sentence of such section "§ 911.52" is changed to "§ 911.48".

g. Section 911.56 *Limes not subject to regulations* is redesignated as § 911.52 and is amended by revising the text therein preceding paragraph (b) to read as follows:

§ 911.52 Limes not subject to regulations.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 911.41, 911.48, 911.51, and 911.54 through 911.58, and the regulation issued thereunder, handle limes (a) for consumption by charitable institutions; * * *

* * * * *

4. The following new sections are added immediately following § 911.52:

§ 911.53 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of limes which it deems advisable to be handled during the succeeding week: *Provided,* That such volume regulation shall not be recommended for any week except during the 18-week regulatory period beginning with the week preceding the first full week in May: *Provided, further,* That no such regulation shall be recommended after such regulations have been in effect for an aggregate of eight (8) weeks during the aforesaid period.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for limes;

(2) Supply of limes en route to principal markets;

(3) Supply, maturity, and condition of limes in the production area;

(4) Market prices and supplies of fruits from competitive producing areas, including foreign competing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 911.54, has fixed the quantity of limes which may be handled, the committee may recommend to the Secretary that such

quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 911.54 Issuance of volume regulations.

Whenever the Secretary finds, from the recommendation and information submitted by the commitee, or from other available information, that to limit the quantity of limes which may be handled during a specified week of a regulatory period will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulations during a regulatory period shall not in the aggregate limit the volume of lime shipments for more than eight (8) weeks. The quantity so fixed for any week, may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of limes is in excess of the parity price. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation pursuant to this section at any time.

§ 911.55 Prorate bases.

(a) Each person who desires to handle limes shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 911.56.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the regulatory period when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of limes in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped limes and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 18 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped limes. For purposes of this section "representative period" means the two preceding seasons together with the current season; the term "season" means the 18-week period beginning with the week preceding the first full week in May of any fiscal year; and the term "current season" means the period beginning with the week preceding the first full week in May of the current fiscal year through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee he said "current season" shall extend through the third full week preceding the week of regulation.

§ 911.56 Allotments.

Whenever the Secretary has fixed the quantity of limes which may be handled during any week, the committee shall calculate the quantity of limes which may be handled during such week by each person who has applied for a prorate base and for whom such a base was computed by the committee. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice in writing to each person of the allotment computed for him pursuant to this section.

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equivalent to 10 percent of such total allotment or 50 bushels, whichever is the greater.

§ 911.58 Undershipments.

If any person handles during any week a quantity of limes, covered by a regulation issued pursuant to § 911.54, in an amount less than the total allotment available to him for such week, he may handle, during the next week, only, a quantity of limes, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided,* That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 911.59 Allotment loans and transfers.

(a) A person to whom an allotment has been issued for a particular week may lend or transfer all or part of such allotment to other persons to whom allotments also have been issued.

(b) Loaned or transferred allotment may be used only during the particular week for which issued.

(c) Each party to any loan or transfer, shall, prior to the handling of any limes covered by a loan or transferred allotment, notify the committee of the loan or transfer including the applicable dates, if any, of repayment.

(d) If no volume regulation is in effect in the week when a loan repayment is due the repayment requirement shall be deemed canceled.

(e) Any handler to whom an allotment has been issued and who desires to be a party to any such loan or transfer arrangement, may communicate such information to the committee. As a service to handlers, the committee shall act as a clearinghouse of such information and make it available to all such handlers upon request. However, as required by paragraph (c) of this section each party to any such loan or transfer shall, prior to the handling of any limes covered by the loan or transferred allotment, notify the committee of the loan or transfer, including the applicable dates, if any, of repayment.

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

Dated May 19, 1972, to become effective upon publication in the FEDERAL REGISTER (5–24–72).

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.72–7847 Filed 5–23–72;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33–5248]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Investment Company Advertising and Summary Prospectus for Investment Companies

Correction

In F.R. Doc. 72–7552 appearing at page 10071 of the issue for Friday, May 19, 1972, the section number and boldface heading for § 239.15 *Form S–5, for open-end management investment companies registered on Form N–9B–1,* should be deleted. The note which follows this section heading is not intended to be a description of Form S–5; no change is in fact being made in § 239.15.

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 733—DECORATIONS AND AWARDS

Delete all after the heading and insert the following:

NOTE: Information and regulations concerning all current awards available to individuals and units in the naval service are published in SECNAVINST 1650.1D, Navy and Marine Corps Awards Manual. This manual is available for examination and individual copies of provisions thereof may be purchased in accordance with § 701.1.

Dated: May 16, 1972.

MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General of the Navy.

[FR Doc.72-7810 Filed 5-23-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-50—ADMINISTRATIVE MATTERS

Review and Approval of Proposed Contract Awards

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to establish a requirement for independent and impartial review of contract files.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves administrative matters. Therefore, the public rule making process is deemed unnecessary in this instance.

1. Table of contents of Part 3-50 is amended to add a new Subpart 3-50.1 as follows:

Subpart 3-50.1—Review and Approval of Proposed Contract Awards

Sec.
3-50.100 Scope of subpart.
3-50.101 Procurements requiring review.
3-50.102 Restriction on reviewers.
3-50.103 Conduct of the review.
3-50.104 Furnishing of implementing instructions.

AUTHORITY: The provisions of this Subpart 3-50.1 are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

2. Subpart 3-50.1 is added as follows:

Subpart 3-50.1—Review and Approval of Proposed Contract Awards

§ 3-50.100 Scope of subpart.

The purpose of this regulation is to establish an independent and impartial review of the contract file to determine that the contract award is in conformance with the law, established policies and procedures, and sound business practices; to determine that the contractual document properly reflects the mutual understanding of the parties within the guidelines and constraints set forth in the Federal Procurement Regulations and HEW Procurement Regulations; to advise the Contracting Officer of noted deficiencies and areas or items of questionable acceptability; and to offer recommendations for corrective actions or means for resolution.

§ 3-50.101 Procurements requiring review.

(a) A preaward review will be made on all formally advertised or negotiated contracts and modifications which by themselves would obligate the Government in excess of $100,000 except for the National Institutes of Health and the Health Services and Mental Health Administration. The review levels for these agencies shall be in accordance with the following:

NATIONAL INSTITUTES OF HEALTH

Over $100,000	Procurement Branch (Office of Administrative Services).
Over $150,000	National Institute of Arthritis and Metabolic Diseases.
Do	National Institute of Allergy and Infectious Diseases.
Do	National Institute of Dental Research.
Do	Centralized Contracting Activity (Office of Contracts and Grants).
Over $250,000	National Library of Medicine.
Over $300,000	National Heart and Lung Institute.
Do	Bureau of Health Manpower Education.
Do	National Institute of Child Health and Human Development.
Do	National Institute of Neurological Diseases and Stroke.
Over $500,000	National Cancer Institute.
Over $300,000	Health Services and Mental Health Administration.

The official responsible for the review shall be as follows:

Social and Rehabilitation Service—Chief, Contracts Branch, Division of General Services.
Office of the Secretary—Chief, Procurement Section, Supply Operations Branch.
Office of Education—Director, Contracts and Grants Division.
Food and Drug Administration—Chief, Contracts and Grants Branch, Division of General Services.
Social Security Administration—Chief, Procurement Section, Property Management Branch.
National Institutes of Health—Director, Office of Contracts and Grants and Chief, Procurement Branch, Office of Administrative Services.
Health Services and Mental Health Administration—Director, Office of Procurement and Materiel Management.
Office of Central Services, Public Health Service—Director, Office of Central Services.

(b) Operating agencies shall require review of procurements of a lesser dollar amount to assure that a representative number of the high dollar value procurements within each operating agency are reviewed.

§ 3-50.102 Restriction on reviewers.

In no event will the individual signing the contractual instrument be the reviewer of the same procurement. If the individual designated in § 3-50.101 is the same person who signs the contractual document, the individual responsible for the review must be one level above the Contracting Officer. The individual responsible for the review must be knowledgeable in the procurement field. In the event an operating agency utilizes a contract review board, the board must include individuals who are knowledgeable in the procurement field.

§ 3-50.103 Conduct of the review.

The individual responsible may solicit the participation of specialists in various technical and administrative disciplines to aid in the review. The mode of conduct of the review is not prescribed herein in order to permit discretionary judgment in determining the depth to which significant areas are examined. However, the reviewer shall determine that the contract file constitutes an independent record, documented to provide a complete chronology of actions related to all aspects of the procurement and the documentation is consistent with the requirements of HEWPR 3-1.313-51. The reviewer shall determine that each contract file contains documentation or other data, i.e., technical and business management evaluation, cost advisory reports, negotiation memorandums, etc., sufficient to explain and support the rationale, judgments, and authorities upon which all decisions and actions were predicated. In addition the file shall be examined to determine that:

(a) If the proposed procurement action is to be awarded on a noncompetitive basis, documentation, and approvals supporting the procurement are in accordance with HEWPR § 3-3.802-50, and justify the action.

(b) Proper publicizing of the proposed procurement was made pursuant to FPR § 1-1.1003.

(c) Approval was obtained for any deviations from prescribed contract clauses.

(d) Sufficient competition was obtained and that negotiations were conducted with all firms in the competitive range.

(e) All the rules set forth in Part 1-2 of the Federal Procurement Regulations were complied with when the proposed award is a result of an IFB.

(f) Appropriate determination and findings as required by FPR 1-3.3 to justify authority to negotiate, method of contracting, and advance payments are a part of the contract file.

§ 3-50.104 Furnishing of implementing instructions.

A copy of all implementing instructions issued by the operating agencies regarding the review of procurements will be furnished to the Director of Procurement and Materiel Management, OASAM.

Effective date. This amendment shall be effective on July 1, 1972.

Dated: May 16, 1972.

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

[FR Doc.72-7825 Filed 5-23-72;8:47 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

ADP Resources Utilization and Procurement of ADPE and Software

Policy and procedures for ADP resources utilization and procurement of ADPE and software are revised by (1) deleting reference to the GSA regional listings of ADPE available for sharing, (2) redefining software, (3) including software in certain provisions for the procurement of ADPE, (4) modifying the criteria under which agencies are authorized to procure ADP software, and (5) clarifying ASCII system requirements in the standard terminology for use in solicitation documents.

The table of contents for Subpart 101–32.4 is revised by deletion of the following entries:

Sec.
101–32.404–1 Automatic data processing equipment.
101–32.404–2 Software and maintenance.

Subpart 101–32.2—Automatic Data Processing Resources Utilization

Section 101–32.203–1(a) is revised to read as follows:

§ 101–32.203–1 ADP sharing procedures.

(a) Federal agencies shall first attempt to satisfy requirements for ADP services by screening resources of other ADP units in their immediate vicinity. If the result of the screening is unsuccessful, the requirement shall be referred to the appropriate ADP sharing exchange for assistance. Requests for assistance may be made by mail, telephone, teletype, or personal contact. GSA Form 2068, Request for ADP Services (illustrated at § 101–32.4902–2068), should be used for mail requests.

* * * * *

Subpart 101–32.4—Procurement and Contracting

1. Section 101–32.402–2 is revised to read as follows:

§ 101–32.402–2 Software.

"Software" for the purpose of this subpart means commercially available proprietary computer programs and routines used to extend the capabilities of ADPE. This category of software includes those software packages available in the commercial market on either a lease or purchase basis. Software packages provided by original equipment manufacturers which are separately priced from ADPE are included in this category.

2. Section 101–302.402–6 is revised to read as follows:

§ 101–32.402–6 Agency procurement request.

"Agency procurement request" (APR) means a request by a Federal agency for GSA to procure ADPE, software, or maintenance services or for GSA to delegate the authority to procure these items. It includes applicable requests for proposals (RFP), invitations for bids (IFB), or requests for quotations (RFQ), and amendments thereto. In those instances where the APR for ADPE is submitted before preparation of the solicitation document, the data systems specifications and/or the equipment performance requirements, as available, and the attendant software requirements may be provided in lieu of the RFP, IFB, or RFQ. In such cases, the software requirements shall include that software as defined in § 101–32.402–2, above, software in the public domain, and any additional software, excluding applications programs, to be developed either in house or by contract.

3. Section 101–32.403(b) is revised to read as follows:

§ 101–32.403 Procurement authority.

* * * * *

(b) In those instances where agencies are authorized to procure ADPE, software, or maintenance services under the provisions of this § 101–32.403, or as may be authorized by GSA in acordance with the provisions of § 101–32.405, two copies of the solicitation document (RFP, IFB, or RFQ, as applicable) and any subsequent amendments thereto shall be forwarded to the General Services Administration (FTP), Washington, D.C. 20406, as soon as available but in no event to arrive later than 8 workdays before the proposed date of issuance to industry. GSA will notify the agency of the date of receipt of the solicitation document as soon as it is received. Amendments which merely extend opening dates need not be forwarded until the date the amendments are sent to industry. In addition, one copy of the resulting purchase/delivery order or contract documents listed below shall be forwarded to GSA when they are issued.

(1) The contractual instrument and all subsequent amendments thereto.

(2) All purchase/delivery orders and amendments thereto.

(3) A list of commercial prices for each separately identified and priced component, special feature, and software package acquired that is not included on a Federal Supply Schedule contract of the vendor selected.

4. Section 101–32.403–2 is revised to read as follows:

§ 101–32.403–2 Software.

Agencies may procure software for use with ADPE without prior approval of GSA when:

(a) The procurement will occur by placing a purchase/delivery order against an applicable Federal Supply Schedule contract under the terms of the contract; or

(b) The total procurement for the specific software package does not exceed $7,500 annual lease cost, excluding maintenance, or $10,000 purchase cost; or

(c) The software is provided by the original equipment manufacturer and is not separately priced from the ADPE.

5. Section 101–32.403–4 is revised to read as follows:

§ 101–32.403–4 Automatic Data Processing Fund.

(a) When a lease/purchase evaluation indicates that it would be to the best interest of the Government to purchase rather than lease ADPE or software and funds are not readily available within the agency; e.g., when there is insufficient time to secure the necessary funds under normal budgetary procedures or to reprogram for the required funds, the matter shall be forwarded to GSA in the manner prescribed in § 101–32.404 for determination as to whether or not the ADP Fund should be used for the purchase. In like manner the use of long-term lease plans shou'd not be discarded solely on the grounds that they are barred by legal or fiscal considerations. Instead, the matter shall be forwarded to GSA for determination as to whether or not the ADP Fund should be used.

(b) When a determination has been made to finance the acquisition of ADPE or software by means of the ADP Fund, GSA will effect the procurement and retain title to such ADPE or software, which will be capitalized into the Fund. In such instances, mutually satisfactory arrangements to reimburse the Fund and a lease to include equipment costs, authorized personnel services, and other costs will be negotiated between the requesting agency and GSA. Reimbursements to the Fund are generally on the installment basis; however, lump sum payments may be made.

(c) When GSA determines that the ADP Fund will not be used for procurement of ADPE or software, agencies may proceed with procurement providing they have the authority to do so under §§ 101–32.403–1, 101–32.403–2, or 101–32.403–3 or have requested and been granted authority as provided in §§ 101–32.404 and 101–32.405.

(d) Agencies with installed leased ADPE shall periodically review the equipment for consideration of purchase by the ADP Fund when purchase becomes justified.

6. Section 101–32.404 is revised to read as follows:

§ 101–32.404 Request for procurement action.

Immediately upon determination that the conditions of the contemplated procurement are not covered by the provisions of § 101–32.403, or where the conditions of the contemplated procurement change at any time during the procurement cycle in such a manner as to remove it from these provisions, two copies of the APR and such other documents as may be applicable shall be forwarded to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406. It will be presumed that the policies and guidance stated in applicable Office of Management and Budget directives have been complied with prior to forwarding such documentation to GSA. The APR shall:

(a) Contain the name and telephone number of an individual within the agency who will act as the point of contact with GSA; and

(b) Be accompanied by a justification to support negotiated procurement when such procurement is being accomplished. (This justification is for use by GSA when GSA effects the procurement. If GSA determines that the procurement will be accomplished by the agency, the justification will be returned along with the delegation of authority for use by the agency in effecting the procurement.)

NOTE: When telecommunication services are required in conjunction with automatic data processing equipment, communications information required by § 101-35.203(c) (5), (6), (7), and (8) shall be included; if not available at that time, this information shall be submitted subsequently pursuant to Part 101-35.

7. Section 101-32.405-2(o) is revised to read as follows:

§ 101-32.405-2 GSA responsibilities when GSA procures ADPE or related items for another agency.

* * * * *

(o) Award the contract after receiving notification of the requiring agency's selection;

* * * * *

8. Section 101-32.408-2(a) is revised to read as follows:

§ 101-32.408-2 Standard terminology for use in solicitation documents.

* * * * *

(a) *ASCII system requirements.* The system, upon receiving a hardware or software command, must accept data on magnetic tape, paper tape, or any other input media covered by an approved Federal Information Processing Standard Publication (FIPS PUB) in ASCII code and collating sequences prescribed in FIPS PUB 1 and in the format prescribed in FIPS PUBS 2, 3, or other applicable FIPS PUBS. Such data may be translated, if necessary, into a form upon which the proposed equipment can internally process, provided that upon receiving a hardware or software command, the output of the processed data to magnetic tape, paper tape, and other output media will be in the ASCII code and collating sequence as prescribed in FIPS PUB 1 and in the format prescribed in FIPS PUBS 2, 3, or other applicable FIPS PUBS.

* * * * *

(Secs. 111, 79 Stat. 1127; 40 U.S.C. 759 and 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5-24-72).

Dated: May 17, 1972.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[FR Doc.72-7802 Filed 5-23-72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

The following special regulation is effective on date of publication in the FEDERAL REGISTER (5-24-72).

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wis., is permitted only on the Sprague-Mather Pool. The open area, approximately 2,000 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Fishing permitted June 1, 1972 through September 30, 1972.

(2) The use of boats without motors is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1972.

GERALD H. UPDIKE,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

MAY 15, 1972.

[FR Doc.72-7809 Filed 5-23-72;8:46 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 261—U.S. STANDARDS FOR GRADES OF FROZEN FRIED FISH STICKS

PART 276—U.S. STANDARDS FOR GRADES OF FROZEN FRIED FISH PORTIONS

Determination of Fish Flesh Content

MAY 15, 1972.

On pages 22986 and 22987 of the FEDERAL REGISTER of December 2, 1971, there was published a notice of proposed amendments of U.S. Standards for Grades of Frozen Fried Fish Sticks (Part 261 of Title 50 CFR) and U.S. Standards for Grades of Frozen Fried Fish Portions (Part 276 of Title 50 CFR) to include an optional alternative method for determining fish flesh content.

The objectives of these amendments are (1) to reduce effort required for determining percent fish flesh; (2) to enable the quality control function to effect immediate corrective action during processing when fish flesh varies; and (3) to eliminate penalties for overweight packaged products through the use of the declared net weight and the average input weight of the frozen raw fish flesh material for determining the percent of fish flesh.

Interested persons were given 30 days to submit comments. Several comments were received indicating agreement in principle with the proposed amendments. However, in some comments, it was pointed out that a minimum input of fish flesh content should not be established. Rather processors should have the prerogative of controlling the input amount of fish flesh which could vary at each processing plant so long as the final product contained 60 percent fish flesh for fried fish sticks or 65 percent fish flesh for fried fish portions as determined or verified by the end-product method.

The amendments, modified in consideration of the comments received, are set forth below. The amendments will become effective on the date of publication in the FEDERAL REGISTER (5-24-72).

PHILIP M. ROEDEL,
Director.

I. The amendments to Part 261—U.S. Standards for Grades of Frozen Fried Fish Sticks follow:

1. Section 261.1 *Description of the product* is revised to read as follows:

§ 261.1 Description of the product.

Frozen fried fish sticks are clean, wholesome, rectangular-shaped unglazed masses of cohering pieces (not ground) of fish flesh coated with breading and partially cooked. The sticks are cut from frozen fish blocks; are coated with a suitable, wholesome batter and breading; are fried, packaged, and frozen in accordance with good manufacturing practices. They are maintained at temperatures necessary for preservation of the product. Frozen fried fish sticks weigh up to and including 1½ ounces; are at least three-eighths of an inch thick; and their largest dimension is at least three times the next largest dimension. All sticks in an individual package are prepared from the flesh of one species of fish.

2. A new § 261.2 *Composition of the product* is added as follows:

§ 261.2 Composition of the product.

(a) Frozen fried fish sticks shall contain 60 percent by weight of fish flesh determined by the official end-product method as set forth in § 261.21(f). Fish flesh content may be determined by the on-line method as set forth in § 261.21(g): *Provided,* That the results are consistent with the fish flesh content requirement of 60 percent by weight, when verified by the official end-product method.

(b) Production methods employed in official establishments shall be kept relatively constant for each production lot so as to minimize variation in any factors which may affect the relative fish flesh content.

3. In § 261.21, the introductory text of paragraph (f) and subdivisions (i) and (vii) of subparagraph (2) of paragraph (f) are revised, and paragraph (g) is added to read as follows:

§ 261.21 Definitions.

* * * * *

(f) "Minimum fish flesh content—end-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen fried fish sticks (sample unit for fish flesh determination), as determined by the following method:

* * * * *

(2) *Procedure.* (i) Calculate the weight of three frozen fried fish sticks by dividing the declared net weight on the label by the number of fish sticks indicated on the label to obtain the weight of an individual fish stick and multiply by three. If the number of fish sticks contained in the package is not declared on the label, the actual weight of three frozen fried fish sticks shall be used:

* * * * *

(vii) Calculate the percent fish flesh in the sample unit by the following formula:

$$\% \text{ fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three fried fish sticks (i)}} \times 100$$

(g) "Minimum fish flesh content—on-line determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five fish sticks (sample unit for fish flesh determination), as determined by the following:

(1) Equipment needed—balance accurate to 0.1 gram.

(2) Procedure:

(i) Weigh three groups of five raw unbreaded fish sticks from the line. These weights should be recorded and averaged (average weight of three groups of five sticks) and percent fish flesh calculated immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded fish sticks and the declared net weight of five fried fish sticks. The declared net weight of five fried fish sticks is obtained by dividing the net weight declaration on the label by the number of fish sticks declared on the label and multiplying by 5. If the number of fish sticks is not declared on the label, the actual weight of five fried fish sticks shall be used.

$$\% \text{ fish flesh} = \frac{\text{Weight of fish flesh (sample unit (i))}}{\text{Declared or actual net weight of five fried fish sticks}} \times 100$$

NOTE: The percent fish flesh determined by the on-line method will usually differ from the percent fish flesh determined by the end-product method due to processing and variations associated therewith.

(iii) Frequency of on-line fish flesh content determination. A minimum of three determinations of fish flesh content shall be carried out for small production runs or lots, i.e., 3 x (three groups of five unbreaded fish sticks). For larger productions runs or lots, a minimum of one determination, i.e., 1 x (three groups of five unbreaded fish sticks) shall be carried out for every hour of production of product units of the same weight.

4. A new § 261.22 is added as follows:

§ 261.22 Use of alternate methods for determining fish flesh content.

(a) The official end-product method in § 261.21(f) for determining fish flesh content shall be used for lot and appeal inspections, and for inspections for verification in official establishments when the on-line method is used.

(b) The on-line method in § 261.21(g) for determining fish flesh content may be used in official establishments during processing operations.

I. The amendments to Part 276—U.S. Standards for Grades of Frozen Fried Fish Portions follow:

1. Section 276.1 *Description of the product* is revised to read as follows:

§ 276.1 Description of the product.

Frozen fried fish portions are clean, wholesome, uniformly shaped, unglazed masses of cohering pieces (not ground) of fish flesh coated with breading and partially cooked. The portions are cut from frozen fish blocks; are coated with a suitable, wholesome batter and breading; are fried, packaged, and frozen in accordance with good manufacturing practices. They are maintained at temperatures necessary for preservation of the product. Frozen fried fish portions weigh more than 1½ ounces and are at least three-eighths of an inch thick. All portions in an individual package are prepared from the flesh of one species of fish.

2. A new § 276.2 *Composition of the product* is added as follows:

§ 276.2 Composition of the product.

(a) Frozen fried fish portions shall contain 65 percent by weight of fish flesh determined by the official end-product method as set forth in § 276.21(f). Fish flesh content may be determined by the on-line method as set forth in § 276.21 (g): *Provided,* That the results are consistent with the fish flesh content requirement of 65 percent by weight, when verified by the official end-product method.

(b) Production methods employed in official establishments shall be kept relatively constant for each production lot so as to minimize variation in any factors which may affect the relative fish flesh content.

3. In § 276.21, the introductory text of paragraph (f) and subdivisions (i) and (vii) of subparagraph (2) of paragraph (f) are revised, and paragraph (g) is added to read as follows:

§ 276.21 Definitions.

(f) "Minimum fish flesh content—end-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen fried fish portions (sample unit for fish flesh determination), as determined by the following method:

* * * * *

(2) *Procedure.* (i) Calculate the weight of three frozen fried fish portions by dividing the declared net weight on the label by the number of fish portions indicated on the label to obtain the weight of an individual fish portion and multiply by three. If the number of fish portions contained in the package is not declared on the label, the actual weight of three frozen fried fish portions shall be used.

* * * * *

(vii) Calculate the percent fish flesh in the sample unit by the following formula:

$$\% \text{ fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three fried fish portions (i)}} \times 100$$

(g) "Minimum fish flesh content—on-line determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five fish portions (sample unit for fish flesh determination), as determined by the following:

(1) Equipment needed—balance accurate to 0.1 gram.

(2) Procedure:

(i) Weigh three groups of five raw unbreaded fish portions from the line. These weights should be recorded and averaged (average weight of three groups of five portions and percent fish flesh calculated immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded fish portions and the declared net weight of five fried fish portions. The declared net weight of five fried fish portions is obtained by dividing the net weight declaration on the label by the number of fish portions declared on the label and

multiplying by 5. If the number of fish portions is not declared on the label the actual weight of 5 fried fish portions shall be used.

$$\%\ \text{fish flesh} = \frac{\text{Weight of fish flesh (sample unit (i))}}{\text{Declared or actual net weight of five fried fish portions}} \times 100$$

NOTE: The percent fish flesh determined by the on-line method will usually differ from the percent fish flesh determined by the end-product method due to processing and variations associated therewith.

(iii) Frequency of on-line fish flesh content determination. A minimum of three determinations of fish flesh content shall be carried out for small production runs or lots, i.e., 3 x (three groups of five unbreaded fish portions). For larger production runs or lots, a minimum of one determination, i.e., 1 x (three groups of five unbreaded fish portions) shall be carried out for every hour of production of product units of the same weight.

4. A new § 276.22 is added as follows:

§ 276.22 Use of alternate methods for determining fish flesh content.

(a) The official end-product method in § 276.21(f) for determining fish flesh content shall be used for lot and appeal inspections, and for inspections for verification in official establishments when the on-line method is used.

(b) The on-line method in § 276.21(g) for determining fish flesh content may be used in official establishments during processing operations.

[FR Doc.72-7798 Filed 5-23-72;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-92, Amdt. 173-62]

PART 173—SHIPPERS

Retest Requirements for Tank Cars

Correction

In F.R. Doc. 72-6888 appearing at page 9221 in the issue of Saturday, May 6, 1972, changes should be made in Retest Table I. Retest Table I should read as set forth below.

RETEST TABLE I

Specification	Retest interval years: Tank and interior heater systems: Up to 10 years	Retest interval years: Tank and interior heater systems: Over 10 to 22 years	Retest interval years: Tank and interior heater systems: Over 22 years	Retest interval years: Safety relief valve	Retest pressure—p.s.i.: Tank	Retest pressure—p.s.i.: Safety relief valve: Start to discharge	Retest pressure—p.s.i.: Safety relief valve: Vapor tight
DOT-103	10	10	10	10	60	[e] 35	28
DOT-103AL		5	5	5	60	35	28
DOT-103W		[p] 20	10	10	60	[e] 35	28
DOT-103ALW	10	10	10	10	60	35	28
DOT-103A	[d] 5	3	1	2	60	35	28
DOT-103AW [r]	[d] 5	3	1	2	60	35	28
DOT-103A-ALW	[d] 5	3	1	(•)	60	[b] 35	28
DOT-103ANW	[d] 5	3	1	2	60	35	28
DOT-103B	[f] 5	[f] 3	[f] 1	None	60	----	----
DOT-103BW	[f] 5	[f] 3	[f] 1	None	60	----	----
DOT-103C	5	3	1	(•)	60	35	28
DOT-103CAL		2	1	(•)	60	35	28
DOT-103CW	[d] 5	3	1	(•)	60	[b] 35	28
DOT-103DW	[d] 5	3	1	(•)	60	35	28
DOT-103EW	[d] 5	3	1	(•)	60	35	28
DOT-104	10	10	10	10	60	[e] 35	28
DOT-104A	10	10	10	5	100	75	----
DOT-104W		[p] 20	10	10	60	[e] 35	28
DOT-105			[a] 10	[a] 5	500	[g] 225	180
DOT-105A100	10	10	10	5	100	75	60
DOT-105A100ALW	10	10	10	5	100	75	60
DOT-105A100W	10	10	10	5	100	75	60
DOT-105A200ALW	10	10	10	5	200	150	120
DOT-105A200F	10	10	10	5	200	150	120
DOT-105A200W	10	10	10	5	200	150	120
DOT-105A300	[a] 10	[a] 10	[a] 10	[a] 5	300	[g] 225	180
DOT-105A300ALW	10	10	10	5	300	225	180
DOT-105A300W	[a, f, i] 10	[a, f, i] 10	[a, f, i] 10	[a, i, k] 5	300	[g, n] 225	[n] 180
DOT-105A400	[a] 10	[a] 10	[a] 10	[a] 5	400	300	240
DOT-105A400W	[a] 10	[a] 10	[a] 10	[a] 5	400	[m] 300	240
DOT-105A500	[a] 10	[a] 10	[a] 10	[a] 5	500	[h] 375	300
DOT-105A500W	[a, f] 10	[a, f] 10	[a, f] 10	[a, k] 5	500	[h] 375	300
DOT-105A600	[a] 10	[a] 10	[a] 10	[a] 5	600	450	360
DOT-105A600W	[a] 10	[a] 10	[a] 10	[a] 5	600	[m] 450	360
DOT-109A100ALW	10	10	10	5	100	75	60
DOT-109A200ALW	10	10	10	5	200	150	120
DOT-109A300ALW	10	10	10	5	300	225	180
DOT-109A300W	10	10	10	5	300	225	180
DOT-111A60ALW1	10	10	10	10	60	35	28
DOT-111A60ALW2	[d] 5	3	1	(•)	60	35	28
DOT-111A60F1	10	10	10	10	60	35	28
DOT-111A60W1		[p] 20	10	10	60	35	28
DOT-111A60W2 [q]	5	3	1	2	60	35	28
DOT-111A60W5	5	3	1	None	60	----	----
DOT-111A60W7	5	3	1	(•)	60	35	28
DOT-111A100ALW1	10	10	10	10	100	75	60
DOT-111A100ALW2	5	3	1	(•)	100	75	60
DOT-111A100F1		10	10	10	100	75	60
DOT-111A100W1		[p] 20	10	10	100	75	60
DOT-111A100F2 [q]	5	3	1	2	100	75	60
DOT-111A100W2 [q]	5	3	1	2	100	75	60
DOT-111A100W3		[p] 20	10	10	100	75	60
DOT-111A100W4	10	10	10	5	100	75	60
DOT-111A100W5	[f] 5	[f] 3	[f] 1	None	100	----	----
DOT-111A100W6	[d] 5	3	1	(•)	100	75	60
DOT-112A200W	10	10	10	5	200	150	120
DOT-112A340W	10	10	10	5	340	[n] 255	[n] 204
DOT-112A400F		10	10	5	400	300	240
DOT-112A400W	10	10	10	5	400	[n] 300	[n] 240
DOT-112A500W	10	10	10	5	500	[h] 375	300
DOT-113A60W	(•)	(•)	(•)	5	(•)	30	24
DOT-113A175W	(•)	(•)	(•)	5	(•)	115	95
DOT-114A340W	10	10	10	5	340	[n] 255	[n] 204
DOT-114A400W	10	10	10	5	400	[n] 300	[n] 240
DOT-115A60ALW	10	10	10	5	60	35	28
DOT-115A60W1	10	10	10	5	60	35	28
DOT-115A60W6	10	10	10	5	60	35	28
EMERG. USG-A, B, and C		10	10	10	60	25	----
ARA-III			10	10	60	[e] 25	20
ARA-III acid (unlined)			1	None	60	----	----
ARA-III (rubber lined)			[f]	None	60	----	----
ARA-IV			10	10	60	[e] 25	20
ARA-IV-A			10	5	100	35	28
ARA-V			[a] 10	[a] 5	300	[g] 225	180

* * * * * * *

[b] Specifications 103CW and 103A-ALW cars built prior to Aug. 31, 1956, equipped with safety relief valves set to discharge at 45 p.s.i., may be continued in service. Such valves may be set to discharge at 35 p.s.i. by installing a spring

See footnotes at end of table.

suitable for the lower pressure. Specifications 103A-ALW and 103CW tank cars used to transport anhydrous hydrazine or hydrazine solutions may have a safety relief valve having a start to discharge pressure of 45 p.s.i. with a tolerance of plus or minus 3 p.s.i. and a vapor tight pressure of 36 p.s.i.

* * * * * * *

[8] If the alternate safety relief valve start-to-discharge pressure setting is used, the retest pressures of the safety relief valves must be in accordance with the provisions of §179.102-11 of this chapter.

* * * * * * *

[9] When tanks are converted to class DOT-111AW2 or F2 from existing pressure type tanks, the retest interval must be computed from the date converted instead of the date built. The conversion date must be stenciled on the tank below the built date.

[10] When tanks are converted to class DOT-103AW from existing DOT-103W or 103BW tanks, the retest interval at conversion must be computed the same as 10-year-old equipment.

[11] Tanks complying with this specification need not be periodically retested.

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[3d Rev. S.O. 1043]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of May 1972.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1043 Service Order No. 1043.

(a) Regulations for return of hopper cars. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

The Baltimore and Ohio Railroad Co., Reporting marks: B&O.
Bessemer and Lake Erie Railroad Co., Reporting marks: B&LE.
The Chesapeake and Ohio Railway Co., Reporting marks: C&O.
Louisville and Nashville Railroad Co., Reporting marks: L&N, NC, and MON.
Norfolk and Western Railway Co., Reporting marks: N&W, NKP, P&WV, VGN, and WAB.
Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, Reporting marks: PRR, PC, NYC, NH, B&A, BWC, P&E, and TOC.
The Pittsburgh and Lake Erie Railroad Co., Reporting marks: P&LE.

(2) Carriers named in subparagraph (1) of this paragraph are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(3) The following companies will be considered as one railroad in the application of subparagraph (1) of this paragraph and paragraph (b) of this section:

Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees.
The Pittsburgh and Lake Erie Railroad Co.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by, R. D. Pfahler.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

(d) The term hopper cars, as used in this order, means freight cars having a mechanical designation "HD," "HM," "HK," or "HT" in the Official Railway Equipment Register, ICC R.E.R. No. 383 issued by E. J. McFarland, or reissues thereof.

(e) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) Effective date: This order shall become effective at 12:01 a.m., May 19, 1972.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-7862 Filed 5-23-72;8:49 am]

[Ex Parte MC 59]

PART 1050—MOTOR CARRIER OPERATION IN THE STATE OF HAWAII

Exemptions

Order. At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 13th day of April 1972.

Ex Parte No. MC 59, motor carrier operation in the State of Hawaii; No. MC-127657 (Sub-No. 3), Hawaiian Packing and Crating Co., Ltd., common carrier application, Honolulu, Hawaii; No. MC-127631 (Sub-No. 3), Hawaiian Van and Storage Co., Ltd., common carrier application, Honolulu, Hawaii; No. MC-133909 (Sub-No. 1), M. Dyer & Sons, Inc., common carrier application, Honolulu, Hawaii; No. MC-127717 (Sub-No. 2), Y. Higa Enterprises, Ltd., common carrier application, Honolulu, Hawaii; No. MC-133860 (Sub-No. 1), H. C. & D. Moving & Storage Co., Inc., common carrier application, Honolulu, Hawaii; No. MC-133945 (Sub-No. 1), Worldwide Moving and Storage, Inc., common carrier application, Honolulu, Hawaii; No. MC-682 (Sub-No. 8), Burnham Van Service, Inc., Extension—Hawaii, Columbia, Ga.; No. MC-1931 (Sub-No. 7), Von Ded Ahe Van Lines, Inc., Extension—Hawaii, Fenton, Mo.; No. MC-2934 (Sub-No. 14), Aero Mayflower Transit Company, Inc., Extension—Hawaii, Indianapolis, Ind.; No. MC-5429 (Sub-No. 9), Lyon Van Lines, Inc., Extension—Hawaii, Los Angeles, Calif.; No. MC-6992 (Sub-No. 10), American Red Ball Transit Company, Inc., Extension—Hawaii, Indianapolis, Ind.; No. MC-8768 (Sub-No. 20), Security Van Lines, Inc., Extension—Hawaii, Kenner, La.; No. MC-14786 (Sub-No. 12), Greyhound Van Lines, Inc., Extension—Hawaii, formerly No. MC-1801 (Sub-No. 19), Ford Van Lines, Inc., Extension—Hawaii, North Lake, Ill.; No. MC-15735 (Sub-No. 13), Allied Van Lines, Inc., Extension—Hawaii, Broadview, Ill.; No. MC-22254 (Sub-No. 28), Trans-American Van

Service, Inc., Extension—Hawaii, Chicago, Ill.; No. MC–33500 (Sub-No. 13), Pyramid Van Lines, Inc., Extension—Hawaii, Cleveland, Ohio; No. MC–42866 (Sub-No. 8), National Van Lines, Inc., Extension—Hawaii, Broadview, Ill.; No. MC–48374 (Sub-No. 5), Fernstrom Storage and Van Co., Extension—Hawaii, Chicago, Ill.; No. MC–67234 (Sub-No. 5), United Van Lines, Inc., Extension—Hawaii, St. Louis, Mo.; No. MC–70272 (Sub-No. 23), King Van Lines, Inc., Extension—Hawaii, Wichita, Kans.; No. MC–79658 (Sub-No. 3), Atlas Van Lines Inc., Extension—Hawaii, Evansville, Ind.; No. MC–88368 (Sub-No. 7), Cartwright, Inc., Extension—Hawaii, Seattle, Wash.; No. MC–93734 (Sub-No. 3), DeWitt Transfer & Storage Company Extension—Hawaii, Los Angeles, Calif.; No. MC–107012 (Sub-No. 29), North American Van Lines, Inc., Extension—Hawaii, Fort Wayne, Ind.; No. MC–110585 (Sub-No. 9), Republic Van and Storage Co., Inc., Extension—Hawaii, Los Angeles, Calif.

It appearing, that the Commission, division 1, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

It is ordered, That (a) the motions to strike certain portions of the joint reply to the exceptions filed by Burnham and Pyramid, and portions of the joint reply to the exceptions filed by Mayflower et al., and (b) the petition to intervene filed November 22, 1971, by Mayflower be, and they are hereby, overruled and denied, respectively, for the reasons set forth in the report.

It is further ordered, That the petition for severance by the applicant in No. MC–127631 (Sub-No. 3) be, and it is hereby, denied for the reasons set forth in the said report.

It is further ordered, That Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified by amending § 1050.5 to read as follows:

§ 1050.5 Motor carriers operating solely in Hawaii exempt.

It is hereby certified that transportation (except the transportation of household goods as defined by the Commission) in interstate or foreign commerce performed by all qualified motor carriers lawfully engaged in operation solely within the State of Hawaii is in fact of such nature, character or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy: *Provided, however,* That if the State of Hawaii makes a determination of the intrastate operating rights of the respective motor carriers, the exemption granted herein shall not be construed as exempting operations in interstate or foreign commerce any more extensive than those corresponding to the respective intrastate authorities granted by the State.

(Secs. 204(a)(4a) and 207; 49 Stat. 546, as amended, 551, as amended, 552, as amended, 554, as amended; 49 U.S.C. 304(a)(4a) and 307)

It is further ordered, That this order shall become effective on May 30, 1972, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this report in the office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

It is further ordered, That the petition in Ex Parte No. MC–59, except to the extent granted in the said report, be, and it is hereby, denied.

It is further ordered, That the applications, except to the extent granted, or for which a need has been found for service in the said report, be, and they are hereby, denied.

It is further ordered, That Nos. MC–88368 (Sub-No. 7) and MC–110585 (Sub-No. 9) be, and they are hereby, held open for further consideration of the fitness of those applicants after final effective determination of the pending proceedings investigating such issues of fitness in Nos. MC–F–10651 and MC–110585 (Sub-No. 15), respectively.

And it is further ordered, That unless compliance is made by applicants, except those in Nos. MC–88368 (Sub-No. 7) and MC–110585 (Sub-No. 9), with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act and with the additional conditions noted in the report within 90 days after the effective date hereof, or within such additional time as may be authorized by the Commission, the grant of authority made in said report shall be considered as null and void as to any applicant not so complying and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7850 Filed 5–23–72;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZ.

Operation and Mainter.ance Rates

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, notice is hereby given that it is proposed to modify §§ 221.65, *Assessment, villages, towns and schools;* 221.66, *Modification;* 221.70, *Charges;* 221.71, *Time of payment;* and 221.72, *Conditions;* of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments for water furnished to villages, towns, and schools, and for charges assessed against privately owned lands of the Florence-Casa Grande Irrigation project. The charge per acre-foot of water delivered to villages, towns and schools will be increased from $2.50 to $15; and the per acre charge for lands of the Florence-Casa Grande project will be increased from $1.50 to $7.50. The purpose is to establish rates which will recover the full cost of water delivery to these lands.

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 John H. Artichoker, Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, AZ 85011, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Sections 221.65, 221.66, 221.70, 221.71, and 221.72 are revised to read as follows:

§ 221.65 Assessment, villages, towns,

(a) Such project water as shall be available may be delivered to the villages, towns, and schools, not included in the designated area of the San Carlos Irrigation Project, for the irrigation of lawns and gardens. Beginning on July 1, 1972, and until further order, the charge for such service shall be $15 per acre-foot of water delivered, payable in advance of delivery.

(b) The delivery of water and the collection therefor shall be made by the San Carlos Irrigation and Drainage District. It is agreed that, for the balance of the season of 1972, commencing on July 1, 1972, the District shall retain $7.50 per acre-foot on which collection shall be made, as its compensation for rendering the service. The remainder of the collections shall be paid to the Project Engineer for the San Carlos Irrigation Project for the benefit of the joint works.

§ 221.66 Modification.

Sections 221.63–221.65 are subject to modification for future years by the issuance and publication of changes thereto.

§ 221.70 Charges.

Pursuant to the Act of May 18, 1916 (39 Stat. 130) and supplementary acts, and an agreement with the landowners commonly called the Florence-Casa Grande landowners' agreement, the operation and maintenance charges, including the administration of the Gila River Decree, which shall be assessed against privately owned lands of the Florence-Casa Grande Irrigation Project are hereby fixed at $7.50 per acre for the calendar year 1973 and until further notice.

§ 221.71 Time of payment.

The per acre charge fixed in § 221.70 for the privately owned land shall be paid on or before March 1 of each year. Upon payment of the annual per acre charge fixed by § 221.70, each acre of such land shall be entitled to receive its proper proportionate share of the available water supply as provide for by the Florence-Casa Grande landowners' agreement referred to in § 221.70.

§ 221.72 Conditions.

The San Carlos Irrigation and Drainage District, pursuant to §§ 221.69a–221.69m, shall collect the charges as provided for in §§ 221.70 and 221.71, and shall make delivery of water to the lands of the Florence-Casa Grande Project. The District shall be compensated for such service at the rate of $5 per acre for each acre to which water shall be delivered and the charges collected, and shall pay the balance of such amount to the Project Engineer of the San Carlos Irrigation Project for the benefit of the joint works.

DANNIE E. LECRONE,
Acting Area Director.

[FR Doc.72-7833 Filed 5-23-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3–1]

TREATMENT OF TECHNICAL DATA IN CONTRACT PROPOSALS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a new § 3–1.353, *Treatment of technical data in contract proposals,* to Subpart 3–1.3. The new section will establish Department policy and procedures applicable to treatment of technical data in contract proposals.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Procurement and Materiel Management.

Dated: May 16, 1972.

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

As proposed, the amendments to Part 3–1 would read as follows:

Subpart 3–1.3– General Policies

§ 3–1.353 Treatment of technical data in contract proposals.

(a) *General.* Technical data (such as plans, designs, suggestions, improvements or concepts) acquired by HEW may have been obtained under conditions which restrict HEW's right to use the data. Therefore, care must be taken when considering the use of technical data to assure that HEW has sufficient rights to use the data in the manner desired. One of the principal ways in which HEW receives technical data is by means of proposals. HEW has a continuing interest in receiving and evaluating proposals which are pertinent to its potential needs in carrying out its objectives and goals. Some proposals are offered and received under conditions which may prevent HEW from using the

technical data contained therein other than for evaluation purposes. Proposals received by HEW are of two types—solicited and unsolicited. The policies and procedures for handling unsolicited proposals are set forth in Subpart 3–4.52.

(b) *Definitions*—(1) *Unsolicited proposal.* Essentially, an unsolicited proposal is a written offer to perform work which does not result from a formal written request for proposals or quotations. See Subpart 3–4.5201 for a definitive definition.

(2) *Solicited proposal.* A solicited proposal is a written offer to perform work which results from a formal written request for proposals or quotations.

(c) *Policy for unsolicited proposals.* It is the policy of HEW to use technical data included in unsolicited proposals for evaluation purposes only. However, due to the administrative problems involved in handling the large number of unsolicited proposals received, the Government cannot assume liability for disclosure or use of such technical data unless it is marked by the offeror in accordance with the legend set forth below. The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552). Each proposal containing technical data, which the offeror intends to be used by HEW for evaluation purposes only, should be marked on the cover sheet with the following legend and shall specify the pages of the proposal to be restricted in accordance with the conditions of the legend:

> Technical data contained in pages ____ of this proposal shall not be used or disclosed, except for evaluation purposes: *Provided,* That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction.

Contracting officers and other Government personnel shall not refuse to consider any proposal merely because the proposal is restrictively marked. Proposals, or portions thereof, so marked shall be used only for evaluation and shall not otherwise be used or disclosed without the written permission of the offeror except under the conditions provided in the legend. In the event an unsolicited proposal is submitted with more restrictive conditions than those provided in the legend above, HEW may be unable to consider it, in which case the offeror should be so advised, see § 3–1.353(f)(2).

(d) *Policy for solicited proposals*—(1) HEW recognizes that requests for proposals may require the offeror, including his subcontractor(s), if any, to submit technical data which the offeror or his subcontractor(s) does not want used or disclosed for any purpose other than for evaluation of the proposal. Each proposal containing technical data which the offeror or his proposed subcontractor(s) desires to restrict shall be marked on the cover sheet by the offeror with the legend set forth in subparagraph (2) of this paragraph. Proposals, or portions thereof, so marked shall be used only for evaluation and shall not otherwise be used or disclosed without the written permission of the offeror except under the conditions provided in the legend. The Government assumes no liability for disclosure or use of unmarked technical data in solicited proposals and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552).

(2) The following provision shall be inserted in the RFP:

> The proposal submitted in response to this request may contain technical data which the offeror or his subcontractor(s) does not want used or disclosed for any purpose other than for evaluation of the proposal. The use and disclosure of any such technical data may be so restricted: *Provided,* The offeror marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend:
>
> Technical data contained in pages ____ of this proposal shall not be used or disclosed, except for evaluation purposes: *Provided,* That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction.
>
> The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552).

Proposals submitted with restrictive legends or statements differing from the above legend will be treated under the terms of the above legend.

(e) *HEW notice for handling proposals.* In order that both solicited and unsolicited proposals are handled in accordance with the policies set forth in paragraphs (c) and (d) of this section, the following notice shall be affixed to each solicited and unsolicited proposal which is to be disclosed outside the Government for evaluation purposes in accordance with the policies and procedures set forth in paragraph (f) of this section. Application of the following notice in no way alters any obligation of the Government or diminishes any rights to use or disclose technical data or business information.

> HEW NOTICE FOR HANDLING PROPOSALS
>
> This proposal shall be used or duplicated only for evaluation purposes and this notice shall be applied to any reproduction or abstract thereof.
>
> Disclosure of this proposal outside the Government for evaluation purposes shall not be made unless the policy and procedures prescribed by HEW Procurement Regulation § 3–1.353(f)(2), including the requirements for approval and for an arrangement with the outside evaluator prior to disclosure, are followed.
>
> The restrictions contained in this notice do not apply to technical data or business information obtained from another source without restriction.

(f) *Disclosure of solicited and unsolicited proposals outside the Government*—(1) *Policy.* It is the policy of HEW to have proposals evaluated by the most competent technical and management sources available in the Government. However, in processing a proposal for evaluation, HEW may find in some instances that it is necessary to disclose a proposal outside the Government to meet its evaluation needs. Such outside evaluation may be made provided the requirements in subparagraphs (2) and (3) of this paragraph are met.

(2) *Approval.* Decisions to disclose proposals outside the Government for evaluation purposes shall be made by the chief official of the requiring organization having programmatic responsibility for the procurement, after consultation with the contracting officer for the procuring activity, and in accordance with agency procedures. (Copies of any agency implementing procedures shall be sent to the Director, Office of Procurement and Materiel Management (OASAM).) The decision to disclose either a solicited or unsolicited proposal outside the Government for the purpose of obtaining an evaluation shall take into consideration avoidance of organizational conflicts of interest and the competitive relationship between the originator of the proposal and the prospective evaluator.

(3) *Evaluation of unsolicited proposals.* Should an unsolicited proposal under consideration contain a restrictive use statement or legend other than the legend prescribed in paragraph (c) of this section, the legend or statement should be reviewed to assure that it does not preclude HEW from disclosing the proposal outside the Government for purposes of obtaining an evaluation. In the event HEW is so precluded and an outside evaluation is nevertheless desired, the offeror should be advised that HEW may be unable to consider the proposal unless the offeror consents in writing to having the proposal evaluated outside the Government.

(4) *Conditions of outside evaluation.* Where it is determined to disclose a proposal outside the Government pursuant to subparagraph (2) of this paragraph, the following conditions, or similar appropriate conditions for the treatment of the proposal, shall be included in the agreement with the evaluator prior to such disclosure. Also, review should be made to assure that the notice required by paragraph (e) of this section is affixed to the proposal before it is disclosed to the evaluator.

> CONDITIONS FOR EVALUATING PROPOSALS
>
> The evaluator agrees to use the technical data and business information contained in the proposal only for evaluation purposes.

This requirement does not apply to technical data or business information obtained from another source without restriction.

Any notice or legend placed on the proposal by either HEW or the originator of the proposal shall be applied to any reproduction or abstract thereof. Upon completion of the evaluation, the evaluator shall return all copies of the proposal and abstracts, if any, to the HEW office which initially furnished the proposal for evaluation.

Unless authorized by the HEW initiating office, the evaluator shall not contact the originator of the proposal concerning any aspects of its contents.

The evaluator will be obligated to obtain commitments from its employees in order to affect the purposes of these conditions.

(g) *Evaluation and testing of equipment and material.* Should evaluation of a proposal include the evaluation and testing of equipment or material submitted with the proposal, neither the Government nor any person acting on behalf of the Government assumes any liability to the submitter of the proposal, or any person acting on his behalf, in connection with any damage, loss, injury, or destruction resulting from such evaluation, and testing.

[FR Doc.72-7823 Filed 5-23-72;8:47 am]

[41 CFR Part 3-4]

SPECIAL TYPES AND METHODS OF PROCUREMENT

Unsolicited Proposals

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a new Subpart 3-4.52, Unsolicited Proposals. The new subpart will establish Department policy and procedures applicable to the handling of documents submitted as unsolicited proposals.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Procurement and Materiel Management.

Dated: May 16, 1972.

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

As proposed, the new Subpart 3-4.52 would read as follows:

Subpart 3-4.52—Unsolicited Proposals

Sec.

Subpart 3-4.52—Unsolicited Proposals

§ 3-4.5200 Scope of subpart.

This subpart provides policies and procedures applicable to the handling of documents submitted as unsolicited proposals.

§ 3-4.5201 Definition.

An "unsolicited proposal" is a written offer to perform research and development work (including feasibility studies and demonstrations) submitted to the Government by an organization or individual solely on its own initiative and without prior formal or informal solicitation. Unsolicited proposals purport to represent original effort by the offeror, in the form of new and unique ideas, and are offered in the hope that the Government will support the offeror in the further pursuit of the research and development activities proposed therein.

(a) It is the policy of HEW that its operating agencies inform the public of technological and scientific (including the behavioral and social sciences) areas encompassed by the Department's mission, and to encourage organizations and individuals to originate valuable ideas relevant to the furtherance thereof and to submit such ideas in unsolicited proposals.

(b) All unsolicited proposals should be specific and, as a minimum, include the information set forth below. Although it is desired that unsolicited proposals be prepared in conformance with the standards set forth below, agencies may accept unsolicited proposals for evaluation purposes which do not conform thereto:

(1) Name and address of the organization or individual submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and clear and concise abstract. Extensive material should be included only in appendices;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of attack upon the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved (name of principal investigator, if applicable), brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility, and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs and overhead;

(10) Names of any other Federal agencies receiving the unsolicited proposal and/or funding the proposed effort or activity;

(11) Brief description of the offeror's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the offeror's previous work and experience in the field;

(13) A current financial statement and, if available, a descriptive brochure;

(14) Period for which unsolicited proposal is valid;

(15) Names and telephone numbers of offeror's primary business and technical personnel whom the agency may contact during evaluation and/or negotiation;

(16) Identification, on the cover sheet, of technical data which the offeror intends to be used by HEW for evaluation purposes only (see § 3-1.353(c) of the HEWPR); and

(17) Signature of a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

(c) Unsolicited proposals should be submitted well in advance of the desired beginning of support, and in ample copies (five copies as a minimum) to allow simultaneous study by all reviewers.

(d) All unsolicited proposals shall be acknowledged as soon after receipt as possible and should be processed in an expeditious manner.

§ 3-4.5202-2 Treatment of technical data in unsolicited proposals.

The treatment of technical data contained in unsolicited proposals and the legends to be used are contained in § 3-1.353 of the HEWPR.

§ 3-4.5202-3 Method of procurement.

(a) It is HEW's policy to obtain competition whenever possible (see § 1-1.301-1). However, if a decision is made to award a contract to an offeror on the basis of an unsolicited proposal, the procurement will be conducted without competition.

(b) Subject to the provisions of § 3-4.5203-3(a), a document which qualifies as an unsolicited proposal may not serve as the basis for a competitive solicitation of proposals. Therefore, a determination must be made as to whether a document qualifies as an unsolicited proposal during the preliminary review of the document in accordance with § 3-4.5203-1.

§ 3-4.5202-4 Grant applications.

(a) Research and development work is supported by every agency of HEW through grants as well as contracts. Procedures for the handling of grant applications vary from agency to agency and, often, from program to program within particular agencies.

(b) Procurement officials shall not refuse to consider any unsolicited proposal merely because it was initially

submitted as a grant application. However, contracts shall not be awarded on the basis of unsolicited proposals which have been rejected for grant support on the ground that they lack scientific merit.

(c) The propriety of awarding a contract to support research and development work based upon an unsolicited proposal shall be determined in accordance with the criteria prescribed in Subpart 3–1.53.

§ 3–4.5203 Procedure.

§ 3–4.5203–1 Preliminary review.

(a) A preliminary review of each document submitted as an unsolicited proposal shall be conducted by program personnel of the receiving agency to determine that it:

(1) Contains sufficient technical and cost information to enable meaningful evaluation;

(2) Has been approved by a responsible official of the proposing organization or a person authorized to contractually obligate such organizations; and

(3) Does not merely offer to perform standard services, such as routine analyses or testing in accordance with established procedures, or to provide "off-the-shelf" articles.

(b) In addition, the reviewing program official shall make a written determination as to whether the document is truly unsolicited. In making such determination, consideration shall be given to all relevant circumstances, including whether the document may have resulted from: (1) The close professional relationships that frequently develop between program representatives and their counterparts in the scientific community; or (2) the inadvertent disclosure by program personnel of information relating to specific projects being contemplated by HEW or its agencies.

(c) If the document does not meet the requirements of paragraph (a) of this section, or is determined not to be truly unsolicited, a comprehensive evaluation need not be made, and the document may be considered and handled as correspondence or advertising. In such cases a prompt reply shall be sent to the offeror indicating how the document is being interpreted and the reason(s) for not considering it an unsolicited proposal.

(d) When a document, based upon preliminary review, qualifies as an unsolicited proposal, it shall be circulated for comprehensive evaluation in accordance with § 3–4.5203–2, and a copy thereof, together with the reviewing official's written determination, shall be furnished to the chief procurement official of the agency.

§ 3–4.5203–2 Comprehensive evaluation.

(a) Every unsolicited proposal that is circulated for comprehensive evaluation shall have attached or imprinted a legend identifying it as an unsolicited proposal, and stating that it may be used only for purposes of evaluation. See § 3–1.353 (c) and (e) of the HEWPR.

(b) In evaluating an unsolicited proposal, the evaluating office(s) shall consider, in addition to any other criteria, the following factors:

(1) The overall scientific and technical merit of the proposed effort;

(2) The potential contribution which the proposed effort is expected to make to specific program objective(s), if supported at this time;

(3) The unique capabilities, related experience, facilities, instrumentation, or techniques which the offeror possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal;

(4) The unique qualifications, capabilities, and experience of the proposed principal investigator and/or key personnel.

(c) Comprehensive evaluation shall be coordinated according to procedures to be established pursuant to § 3–4.5203–4. If an unsolicited proposal is not to be accepted, the offeror shall be informed by a suitable letter. A copy of such letter and associated unsolicited proposal shall be retained in the files of the agency contracting officer.

§ 3–4.5203–3 Procurement procedure.

(a) *Competitive procurement.* (1) When a document qualifies as an unsolicited proposal, but its substance is available to HEW 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, HEW's policy of obtaining competition applies (see § 3–4.5202–3).

(2) When procurement is intended and competition is feasible, the unsolicited proposal shall be rejected, as in § 3–4.5203–2. All readily available copies (excluding the contracting officer's official file copy) shall be returned to the offeror.

(b) *Noncompetitive procurement.* (1) A favorable technical evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the offeror. When an unsolicited proposal has received a favorable technical evaluation and it is determined that the substance thereof is not available to HEW without restriction from another source, or competition is otherwise precluded, the subject matter of such unsolicited proposal may be procured from the offeror on a noncompetitive basis. The program office sponsoring the procurement shall support its recommendation with a "Justification for Acceptance of Unsolicited Proposals." The "Justification" shall include the findings set forth in subdivision (i) or (ii) of this subparagraph:

(i) The procurement is for basic scientific or engineering research; and the unsolicited proposal was selected on the basis of its overall merit, cost and contribution to the agency's program objectives, after a thorough evaluation and comparison with other proposals, solicited or unsolicited, in the same or related fields; or

(ii) The procurement is for services other than basic research (e.g., development, feasibility studies, etc.); the unsolicited proposal contains technical data or offers unique capabilities that are not available from another source; and it is not feasible or practical to define the Government's requirement in such a way as to avoid the necessity of using the technical data contained in the unsolicited proposal.

(2) In addition, the "Justification" shall include the facts and circumstances that support the recommendation action. The following illustrations represent factors which should be considered, as appropriate, in preparing the "Justification."

(i) The scientific/technical merits of the unsolicited proposal and its potential contribution to the agency's program objectives;

(ii) The qualifications, capabilities, and related experience of the offeror, principal investigator, and/or key personnel;

(iii) Unique facilities, instrumentation, or techniques; and

(iv) Circumstances that operate to preclude competitive negotiation.

(3) The "Justification for Acceptance of Unsolicited Proposal" shall be submitted to the contracting officer together with, but as a separate document from, the request for contract, and shall be signed by the same official of the cognizant program office who signs the request for contract. Approval of the "Justification" shall be made at the same level as prescribed in § 3–3.802–50 (d) for approval of "Justifications for Noncompetitive Procurements."

(c) *Negotiation.* Formal RFP's or RFQ's shall not be issued to obtain additional information required for the negotiation of contracts based on unsolicited proposals. The unsolicited proposal itself constitutes the basis for negotiation and any further technical or budgetary information requested or received shall be considered to supplement, amend or revise the original accepted unsolicited proposal.

§ 3–4.5203–4 Implementation.

The chief procurement official of each operating agency will develop guidelines for, and participate in, the receipt, proper handling, and disposition of unsolicited proposals from all sources.

[FR Doc.72–7824 Filed 5–23–72;8:47 am]

Food and Drug Administration

[21 CFR Part 132]

FOREIGN DRUG ESTABLISHMENTS

Registration Procedures

The Federal Food, Drug, and Cosmetic Act provides that any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs shall be permitted to register under the provisions of section 510(i) pursuant to promulgated regulations. Regulations permitting registration are required to include the condition that adequate and effective means are available to enable the Secretary of Health,

Education, and Welfare to determine whether any drug manufactured, prepared, propagated, compounded, or processed in a registered establishment, if imported or offered for import, shall be refused admission on any of the grounds in section 801(a) of the act.

As set forth in section 510(a)(1) of the act, the term "manufacture, preparation, propagation, compounding, or processing" includes repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

The registration of any foreign drug establishment is voluntary and is not required as a condition for the import of drugs into the United States. However, section 801(a) of the act requires the Secretary of Health, Education, and Welfare (1) to furnish the Secretary of the Treasury with a list of registered establishments, and (2) to request samples of any drugs which are imported or offered for import into the United States and are manufactured, prepared, propagated, compounded or processed in an unregistered foreign establishment. Such samples are used to determine whether the drugs shall be refused admission.

To permit the registration of foreign drug establishments as provided by section 510(i) of the act, the Commissioner of Food and Drugs is proposing regulations concerning procedures to be used for registrations. They are not intended to interfere with import into the United States of drugs manufactured in establishments that are not registered. They are meant to provide an opportunity for avoiding delays in the admission of drugs offered for import. However, the acceptance of a registration application and the assignment of registration numbers to drug establishments or admissible drugs should not be interpreted as denoting approval of the firms or their products.

A block of section numbers in Part 132 is being reserved for the promulgation of conditions for registration of foreign drug establishments offering veterinary drugs for import into the United States.

In addition to proposing procedures for registration of foreign drug establishments, the Commissioner is proposing, for clarification, that Part 132 of the regulations (21 CFR Part 132) be amended to provide that, as used in this part, the term "drug" does not include an article solely by reason of its use as an intermediate substance in the synthesis of a drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 506, 507, 510(i), 801(a), 52 Stat. 1052–53 as amended, 1058 as amended, 55 Stat. 851, 59 Stat. 463 as amended, 76 Stat. 795; 21 U.S.C. 355, 356, 357, 360(i), 381) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 132:

1. In § 132.1 by adding a new paragraph (f) to read as follows:

§ 132.1 Definitions.

* * * * *

(f) As used in this part, the term "drug" does not include any article solely by reason of its use as an intermediate substance in the synthesis of a drug.

2. By adding the following new sections to Subpart C:

§ 132.21 Conditions for registration of foreign drug establishments; drugs for human use.

(a) Any establishment (as defined in § 132.1(b)) in a foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs shall be permitted to register under the provisions of section 510 of the act if the following conditions are met:

(1) A signed FD Form 1597 must be executed to the extent applicable and submitted in triplicate to the Drug Registration Section, Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Maryland 20852. This application will be considered only if it is completed with attachments and the information on the application and in attachments is in the English language.

(2) The following information must accompany the application as attachments:

(i) There must be a statement made by the responsible health authority of the applicant's national government certifying that the applicant has adequate methods, facilities, and controls needed to manufacture, process, pack, or hold drugs in compliance with good manufacturing practices established by the Food and Drug Administration or the World Health Organization or their equivalent in order to assure the identity, strength, quality, purity, and safety of the products offered for importation.

(ii) A statement must be made by the applicant concerning arrangements (including those made with the cooperation of the responsible health authority of the applicant's national government) by which the Food and Drug Administration can verify statements and other information attached as part of the application for registration. This would include provisions for adequately conducted and reported inspections of establishments by the responsible authority and/or representatives of the Food and Drug Administration in order to determine whether the establishment operates under sanitary hygienic conditions and in conformity with good manufacturing practices as set forth in Part 133 of this chapter pursuant to section 501(a)(2)(B) of the act or as set forth in the "World Health Organization Good Manufacturing Practices Document" or any equivalent good manufacturing practices. If manufacturing practices other than those established by the Food and Drug Administration or the World Health Organization are followed, the text of these shall be submitted as a part of the registration application attachments.

(iii) A description of the methods, facilities, and controls used to manufacture, process, pack, or hold drugs must be given in sufficient detail to permit a manufacturing practice evaluation of their adequacy. Details may be given concerning the manufacture and control procedures used for a drug representative of those types to be listed under registration for import into the United States (e.g. oral, injectable, topical, etc.). Verifying photographs may be included as supportive information.

(iv) A list of drugs to be offered under registration for import into the United States must be submitted. Drugs may be added or deleted from the list by amendment to the application.

(v) There must be a list of those drugs not being offered for registration and of those nondrug products which are manufactured, processed, packed, or held by the registrant using the same or adjacent facilities employed for drugs offered for registration. This information may be given in the form of general categories (e.g. steroids, antibiotics, pesticides, fertilizers, cleaning agents, etc.).

(vi) A complete and accurate statement must be made as to whether the drug offered for registration is permitted, forbidden, or restricted in sale in the country in which it is produced or from which it is exported. If it is forbidden or restricted in sale, the reasons therefor shall be submitted.

(vii) A statement must be submitted assuring that the registrant possesses a copy of the Federal Food, Drug, and Cosmetic Act, a copy of the new-drug regulations, a copy of the antibiotic drug regulations, and a copy of good manufacturing practice regulations established by and available from the Food and Drug Administration. The registrant must give assurance his practices conform with good manufacturing practices established by the Food and Drug Administration or World Health Organization or their equivalent.

(b) Establishments seeking to register bulk drug substances shall submit for each drug substance to be offered for import the following information as attachments to the registration application in addition to the accompanying attachments required by paragraph (a) of this section. Samples of a drug substance shall be submitted only when requested:

(1) Each drug substance shall be identified by the commonly used name of the drug substance; in addition the complete chemical name and structural formula to the extent that they are known shall be given.

(2) There must be a list of the name(s) and address(es) of the intended consignee(s) (e.g., agent or representative of the registrant; broker; drug manufacturers; wholesaler or distributor; pharmacy or public health agency; agency of the Federal, State, or local government; business firm or an individual) for each drug substance. The consignees must be able lawfully to receive the drug substance. When requested by the Food and Drug Administration, a complete list of the U.S. consignees for

specified lots or batches of the drug substance shall be provided.

(3) If it is a bulk drug substance that is not a new drug substance or a certifiable antibiotic drug substance and is not recognized by an official compendium, then for each such bulk drug substance to be imported, drug specifications and a description of the methods, facilities, and controls used to manufacture, process, pack or hold such bulk drug substance must be given in sufficient detail to permit a manufacturing practice evaluation of their adequacy. Verifying photographs may be included as supportive information. If it is recognized by an official compendium, a statement must be made as to whether or not it meets the compendium specifications. If it does not comply, the differences between the actual specifications and the compendium specifications must be stated. If not so recognized, specifications must be given.

(4) If it is a new-drug substance as defined in § 130.1(g) of this chapter and subject to section 505 of the act:

(i) There must be verification that an approved new-drug application provides for the registrant to be a source of supply of the new-drug substance (pursuant to section 505(a) of the act and § 130.4 of this chapter). This verification may be provided by the holder of the new-drug application, if the holder is other than the registrant, and shall include the name of the drug, application number, and date of approval; or

(ii) There must be verification that the drug will be offered for import into the United States solely for investigational use by experts in accordance with an exemption filed with the Food and Drug Administration (pursuant to section 505(i) of the act and § 130.3 of this chapter). This verification may be provided by the sponsor of the "Notice of Claimed Investigational Exemption for a New Drug" and shall include the IND number of the exemption and date of its filing.

(5) When requested, samples of the bulk drug substance shall be submitted in the amount specified. If the bulk drug substance is an antibiotic subject to certification under section 507 of the act, § 132.24 applies.

(c) Establishments seeking to register drugs in finished dosage form shall submit for each drug to be offered for import the following information as attachments to the registration application, in addition to the accompanying attachments required by paragraph (a) of this section. Samples of a drug shall be submitted only when requested:

(1) If the drug is a new-drug:

(i) There must be verification that an approved new-drug application provides for the registrant to be a source of the drug (pursuant to section 505(a) of the act and § 130.4 of this chapter). This verification may be provided by the holder of the new-drug application, if the holder is other than the registrant, and shall include the name of the drug, application number and date of approval; or

(ii) There must be verification that the drug will be offered for import into the United States solely for investigational use by experts in accordance with an exemption filed with the Food and Drug Administration (pursuant to section 505(i) of the act and § 130.3 of this chapter). This verification may be provided by the sponsor of the "Notice of Claimed Investigational Exemption for a New Drug" and shall include the IND number of the exemption and the date of its filing.

(2) If the drug in finished dosage form is a certifiable antibiotic or insulin product, § 132.24 applies.

(3) If it is a drug not covered by subparagraph (1) (i) or (ii) of this paragraph the following information is required:

(i) A statement must be submitted identifying the drug by the commonly used name or names of the drug, including complete chemical name and structural formula to the extent they are known.

(ii) A complete list must be given of the components of the drug including any reasonable alternates that may be used for inactive components.

(iii) A full statement of the composition of the drug must be made. The statement shall set forth the name and amount of each ingredient (whether active or not) contained in a stated quantity of the drug in the form in which it is to be distributed as well as a batch formula representative of the formula to be employed for the manufacture of the drug in the form in which it is to be distributed. All components should be included in the batch formula regardless of whether they appear in the finished product. Any calculated excess of an ingredient over the label declaration should be designated as such and the percentage of the excess should be shown. Reasonable variations may be specified.

(iv) There must be a description of the methods, facilities, and controls used for the manufacture, preparation, propagation, compounding, or processing of the drug. This description must be in sufficient detail to permit a manufacturing practice evaluation of their adequacy to preserve the identity, strength, quality, and purity of the drug. This information shall include (verifying photographs may be included as supportive information):

(*a*) If the registrant does not perform all of the manufacturing, processing, packing, or holding operations within the registered establishment or if any part of such operations is performed by other than the registrant, a statement shall be included identifying the other establishments and the other individuals or firms and the operations performed.

(*b*) When requested, a description must be given of the methods used in the propagation, synthesis, extraction, isolation, purification, etc. of any designated component of the drug. When the specifications and controls applied to such substance are inadequate in themselves to determine its identity, strength, quality, and purity, the methods shall be described in sufficient detail (including quantities used, times, temperatures, pH, solvents, etc.) adequate to determine these characteristics. Alternative methods or variations in methods within reasonable limits that do not affect such characteristics of the substance may be specified.

(*c*) A description must be given of the method of preparation of the master formula records, individual batch records, and the instructions to be used in manufacturing, processing, packaging, and labeling of the drug. This description should include those instructions pertaining to weight check control measures and to any special precautions that must be observed. Photocopies may be used for clarification.

(*d*) There must be information relating to the characteristics of the container, closure, or other component parts of the drug package and any test methods used on these parts to assure their suitability for the intended use.

(*e*) There must be a description of any control measures employed to assure proper identity, strength, quality, and purity of the raw materials (whether active or not). This description must include the specifications for acceptance and methods of testing for the raw materials.

(*f*) A description must be given of any methods used for checking batch yield and accounting for such items as discards, breakage, etc. and of the criteria used in accepting or rejecting batches of drugs in the event of an unexplained discrepancy. There must also be a description of packaging and labeling controls employed including the precautions to assure that each lot of the drug is packaged with the proper label and labeling and the provisions made for the storage and inventory control of labeling.

(*g*) A description must be given of any analytical controls used during the various stages of the manufacturing, processing, packaging, and labeling of the drug including a detailed description of the collection of samples and the analytical procedures to which they are subjected. Analytical procedures should be capable of determining the active components within a reasonable degree of accuracy and of assuring the identity of such components. If the article is one that is represented to be sterile, the same type of information must be given for sterility controls as is given for analytical controls. The standards used for acceptance of each lot of the finished drug shall be included.

(*h*) There must be an explanation of the exact significance of the batch control numbers used in the manufacturing, processing, packaging, and labeling of the drug including the control numbers that appear on the label of the finished article and their relationship to manufacturing history and distribution for recall purposes.

(*i*) A complete description of studies of the stability of the drug must be given, along with the data derived from the studies. If on entry the drug is packaged in the immediate container, stability

data shall be submited for the finished dosage form of the drug in the container (including any multiple-dose container) in which it is to be marketed. If the drug is further prepared at the time of dispensing (such as being put into solution form), additional data on the stability of the form used for administration must be provided. If on entry the drug (e.g. tablet, capsule, etc.) is packaged in bulk for repackaging into immediate market containers, stability data need be provided only for the drug as packaged in the bulk container. Information must also be submitted showing the suitability of the analytical methods used and describing any additional stability studies underway or contemplated. If no expiration date is proposed, the absense of such a date must be justified.

(*j*) A listing must be submitted of any indirectly related procedures that contribute to prevention of product contamination and/or support of general product control.

(v) Samples of the drug, other articles, and information must be submitted as follows:

(*a*) When requested, a representative sample of the drug in the form in which it is to be distributed must be submitted. Unless otherwise specified, this sample must consist of four identical, separately packaged subdivisions each containing at least three times the amount required to perform the laboratory test procedures described in this declaration in order to determine compliance with its control specifications for identity and assays.

(*b*) When requested, additional samples, of the drug or any of its components must be submitted in the amount specified .

(*c*) When requested, a sample or samples must be submitted of any reference standard(s) or blank(s) used in the procedures employed in the assay of the drug or of any component of the drug that is assayed. This includes samples of reference standards recognized in "The United States Pharmacopeia," "The National Formulary," or the World Health Organization's "International Pharmacopeia."

(*d*) When samples are submitted they shall be appropriately packaged to preserve their characteristics and shall be labeled to identify the material and quantity in each subdivision of the sample. Each subdivision shall be labeled with the name of the establishment and the application for registration to which it relates.

(*e*) When samples are submitted they shall be accompanied by a statement detailing results of all laboratory tests including assays made to determine the identity, strength, quality, and purity of the drug or batch of drug represented by the sample. Include for any reference standard its source ("The United States Pharmacopeia" etc.) or a complete description of its preparation and the results of all laboratory tests on it. If the test methods used differed from those previously described in the attachments to the application, full details of the methods employed in obtaining the reported results shall be submitted.

(vi) Specimens must be submitted of labels and other labeling to be used when the drug is offered for import. The specimens must be accompanied by a statement as to whether the drug is (or is not) limited in its labeling to use under the professional supervision of a practitioner (e.g. physician, dentist, or veterinarian) licensed by law to administer it. Three specimens must be submitted of each label and all other labeling and advertising to be used for the drug (one for each copy of the registration application). Each specimen of labels, other labeling, and advertising shall be clearly identified to show its position on the drug package or other ways in which it will be used.

(4) A statement indicating which of the following are intended to be direct consignees of consignments of the drug offered for import into the United States:

(i) An agent or representative of the registrant.

(ii) Broker.

(iii) Drug manufacturer, wholesaler or distributor.

(iv) Retail, hospital, or clinic pharmacies or public health agencies.

(v) Agencies of the Government of the United States or agencies of State or local governments.

(vi) Practitioners (for example, physicians, dentists, or veterinarians).

(vii) Any individual or business firm that orders the drug.

(viii) Other (identify).

(5) When requested, a complete list of direct consignees of a specific shipment of the drug or drugs offered for import into the United States must be given.

§ 132.22 Notification of registrant; drug establishment registration number, admissible drugs; drugs not determined to be admissible.

(a) The Food and Drug Administration will provide to the registrant a validated copy of FD Form 1597, as evidence of registration. A registration number will be assigned to each drug establishment registered in accordance with these regulations.

(b) The Food and Drug Administration will provide to the registrant a statement identifying the drugs listed in the registration that have been determined to be admissible for import into the United States under the conditions of the registration. A drug identification number will be assigned to each such drug.

(c) The establishment registration number and the drug identification number, if one has been assigned, shall be shown on the outside shipping container label as "Establishment Registration No. ------" and "Drug Identification No. ------," the blanks being filled in with the appropriate numbers. If a drug identification number has not been assigned, the appropriate blank shall contain the words "Not Assigned."

(d) The Food and Drug Administration will provide to the registrant a statement identifying the drugs listed in the registration that have been determined not to be admissible for import into the United States and will include reasons for such determinations. Comment will be furnished concerning changes that may facilitate a favorable determination.

§ 132.23 Criteria for admissibility of a drug.

(a) The Food and Drug Administration will inform the registrant that a drug is admissible for import into the United States, if information submitted with the application considered together with any other available information concerning the drug is adequate to determine that the drug should not be refused admission on any of the grounds set forth in section 801(a) of the act.

(b) A determination that a drug is admissible may be revoked if the Commissioner finds that the application for registration contains any untrue statement or omission of material fact.

(c) A statement to a registrant that a drug is admissible for import shall not constitute a barrier to the collection of representative samples of such drug from time to time when it is offered for import into the United States. If necessary the drug shall be refused admission on any of the grounds set forth in section 801(a) of the act.

§ 132.24 Certified drugs; bulk and finished dosage forms.

(a) If the bulk drug substance is an antibiotic subject to certification pursuant to section 507 of the act, the following information is required:

(1) Verification must be given that provisions have been made for the check testing or certification or release of each batch of the antibiotic drug to be offered for import into the United States in accordance with section 507 of the act and regulations promulgated thereunder. This verification may be provided by reference to the appropriate antibiotic Form 5 or 6 that is in effect. Upon entry the outside shipping container label shall show the applicable antibiotic laboratory "D.A. Number" (D.A. No.) of the drug under which the batch has been check tested, certified, or released.

(2) Verification must be given that the antibiotic drug offered for import into the United States solely for investigational use by experts is exempt under section 507(d)(3) of the act and regulations promulgated thereunder. This verification may be provided by the sponsor of the "Notice of Claimed Investigational Exemption for a New Drug" and shall include the exemption IND number and the date of filing.

(b) If the drug in finished dosage form is an antibiotic drug or consists wholly or partly of insulin, the following is required:

(1) Verification must be given that provisions have been made for the check testing or certification of each batch of the antibiotic drug that is to be offered for import into the United States in accordance with section 507 of the act and regulations promulgated thereunder.

This vertification may be provided by reference to the appropriate Antibiotic Form 5 or 6 that is in effect. Upon entry the outside shipping container label shall show the applicable antibiotic laboratory "D.A. Number" (D.A. No.) of the drug under which the batch has been check tested or certified.

(2) Verification must be given that provisions have been made for the certification of each batch of the drug consisting wholly or partly of insulin that is to be offered for import into the United States in accordance with section 506 of the act and regulations promulgated thereunder. This verification may be provided by reference to the appropriate insulin master file. When insulin crystals to be used for manufacture of finished dosage forms are offered for import into the United States the registrant shall provide the Food and Drug Administration with prior notification and associated master lot number information. Upon entry the outside shipping container label shall show the insulin master lot number of the drug under which the batch has been certified.

(3) Vertification must be given that the drug offered for import into the United States solely for investigational use by experts is exempt under section 507(d)(3) of the act and the regulations promulgated thereunder. This cerification may be provided by the sponsor of the "Notice of Claimed Investigational Exemption for a New Drug," and shall include the exemption IND number and the date of filing.

§ 132.25 Amendments to registration.

(a) The registrant shall send, as an amendment, a full report of any changes in the submitted information contained in his registration and give reasons for these changes. Such changes shall be submitted at least 45 days prior to offering any registered drug listed in the registration for import into the United States under those changed conditions.

(b) When no changes in the registration information have occurred, the registrant shall submit an annual statement to show the absence of changes.

(c) On the basis of amended information submitted by the registrant or other available information, the Food and Drug Administration will notify the registrant of the addition or deletion of drugs from the list of those determined to be admissible for import into the United States. A statement of the reasons drugs have been deleted from the list will be furnished.

§ 132.26 Inspection of registrations.

Pursuant to section 510(f) of the act, the names and addresses of registrants and lists of drugs registered pursuant to section 510(i) of the act will be available for inspection. They may be seen at the Drug Registration Section, Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Maryland 20852, and at each of the Food and Drug Administration District offices during working hours. Upon request, the Food and Drug Administration will verify the registration number and location of a registered establishment.

§ 132.27 Distribution and use of lists of registrants and drugs admissible for import.

(a) The Food and Drug Administration will furnish to the Secretary of the Treasury a list of establishments registered as well as a list of the drugs from each establishment which are listed in its registration and have been determined to be admissible for import into the United States under the conditions of the registration.

(b) When drugs on these lists are being imported into the United States, samples will not be required in order for them to enter the country except from time to time on the specific request of the Food and Drug Administration. It will aid the Food and Drug Administration in processing entries if the registrant will provide for the following information to appear where possible and applicable on entry papers associated with importation of the drug:

(1) The registration number assigned to the foreign drug establishment;

(2) The name of the drug accompanied by the identification in the registration listing;

(3) The new-drug application number;

(4) The investigational exemption number;

(5) The Antibiotic Form 5 or 6 number;

(6) The drug control number;

(7) The D.A. number; and

(8) Insulin master lot number.

(c) When a drug offered for import into the United States is not on the list of those determined to be admissible under the conditions of a registration, samples of the drug may be obtained for examination by the Food and Drug Administration.

(d) If samples are inadequate or evidence is insufficient to determine whether or not the drug is admissible for import into the United States, it will be denied admission.

§ 132.28 Refusal or revocation of registration.

An application for registration of a firm or its products may be refused or revoked if the Food and Drug Administration finds:

(a) The registrant has failed to comply with any of the conditions for registration in § 132.21 or § 132.24; or

(b) The application for registration, as well as any declaration, amendment, or other information submitted in connection with the application, contains an untrue statement or omission of material fact; or

(c) The registrant or person acting in his behalf uses the fact of registration of a drug to imply that the Food and Drug Administration has determined that a drug is safe for import or falsely represents that a drug is registered when in fact such drug is not registered or has been refused registration; or

(d) Adequate and effective means have not been arranged with the applicant's national government or otherwise provided to enable the Food and Drug Administration to determine from time to time whether a drug manufactured, prepared, propagated, compounded, or processed in the foreign establishment would be refused admission on any grounds set forth in section 801(a) of the act if it were offered for import into the United States; or

(e) The registrant or anyone acting for or on his behalf uses, in advertising, labeling, promotional material, or otherwise, the fact of registration or listing of a drug to imply endorsement or approval of the firm or its products by the Food and Drug Administration.

§ 132.29 Hearings.

Upon an applicant's request the Commissioner of Food and Drugs will provide an opportunity for an informal hearing on any finding by the Food and Drug Administration that an application for registration shall be refused or revoked or that a drug listed in the application for registration has not been determined to be admissible for import into the United States. The hearings shall be held as soon as practicable but at a time agreeable to both the Food and Drug Administration and the applicant. Within 30 days after any hearing and after evaluating all available information, the Commissioner of Food and Drugs will inform the applicant in writing of his findings and conclusions and the reasons therefor.

§ 132.30 Confidentiality of information.

Information of a confidential nature considered trade secrets (e.g., methods of manufacture, formulation, etc.) will be protected to the same extent as similar information furnished by domestic manufacturers.

§§ 132.31–132.50 [Reserved]

The Commissioner also proposes to allow 6 months after the effective date of regulations permitting the registration of foreign drug establishments before the provisions of section 801(a) of the act requiring the examination of samples of import drugs are rigorously enforced with respect to all imports. This will not bar continued sampling and examination of samples of import drugs during that 6-month interval.

Any interested person may within 90 days from the date of publication of this notice in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular business hours, Monday through Friday.

Dated: May 15, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-7808 Filed 5-23-72;8:46 am]

Public Health Service

[42 CFR Part 34]

MEDICAL EXAMINATION OF ALIENS

Scope of Examinations; Tuberculosis; Chest X-ray

Data obtained from studies in the United States and in other countries establish a low risk of developing tuberculosis in the 10–14-year age group. Elimination of the requirement, generally, for a chest X-ray examination for aliens in this age group, but retaining it where there is evidence of exposure to a known case of tuberculosis, would appear to serve public health needs. Elimination would also result in reduction of unnecessary radiation exposure, reduction of applicants' costs, and expediting completion of the visa medical examination process.

Accordingly, notice is hereby given that it is proposed to amend § 34.4 of Part 34, Title 42, Code of Federal Regulations, to modify the requirement for chest X-ray examinations as set forth below. In addition, editorial changes would be made in Part 34 to identify more accurately current organizational structure.

Inquiries may be addressed and data, views, and arguments submitted in writing, in triplicate, to the Director, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in Room 531, Center for Disease Control, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The proposed amendments will eliminate unnecessarily burdensome requirements and it is therefore proposed, for good cause, to make any amendments that may be adopted effective immediately upon publication in the FEDERAL REGISTER.

Dated: May 5, 1972.

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

Approved: May 17, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Revise § 34.4(b) of Part 34, Title 42, Code of Federal Regulations, by redesignating subparagraphs (2), (3), and (4) as subparagraphs (3), (4), and (5) respectively.

3. Amend § 34.4(b)(1) to read as follows:

(1) *Persons subject to requirement for chest X-ray examination and serologic test.* Except as provided in subparagraph (2) of this paragraph, a chest X-ray examination for tuberculosis and a serologic test for syphilis shall be required as part of the examination of:

(i) All applicants for immigrant visas;

(ii) All students and exchange visitors who are required by a consular authority to have a medical examination upon application for a nonimmigrant visa;

(iii) All other applicants for a nonimmigrant visa who are required by a consular authority to have a medical examination if such X-ray examination and serologic test are considered necessary by the medical examiner; and

(iv) All aliens outside the United States who apply for conditional entry and all aliens in the United States who apply for adjustment of status, under the immigration laws and regulations.

3. Insert a new subparagraph (2) to read as follows:

(2) *Exceptions.* Neither a chest X-ray examination nor a serologic test for syphilis shall be required if the alien is under the age of 15: *Provided,* That a tuberculin test may be required where there is evidence of contact with a known case of tuberculosis or other reason to suspect infection with tuberculosis and a chest X-ray examination required in the event of a positive reaction, and a serologic test where there is reason to suspect infection with syphilis. Additional exceptions to the requirement for a chest X-ray examination may be authorized for good cause upon application approved by the Director, Center for Disease Control, Health Services and Mental Health Administration.

4. Amend § 34.4(b)(4), as redesignated, by deleting "Chief of the Division of Foreign Quarantine of the Public Health Service" and inserting in lieu thereof "Director, Center for Disease Control, Health Services and Mental Health Administration."

(Sec. 215, 58 Stat. 690; sec. 234, 66 Stat. 198; 42 U.S.C. 216; 8 U.S.C. 1224; secs. 322, 325, 58 Stat. 696, 697; sec. 212, 66 Stat. 182; 42 U.S.C. 249, 252; 8 U.S.C. 1182)

[FR Doc.72-7841 Filed 5-23-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 72-91N]

RADIOACTIVE MATERIALS

Preparation of Packages for Shipment

The Coast Guard is considering amending the dangerous cargoes regulations to specify requirements to be fulfilled before each shipment of radioactive materials packages.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identify the notice (CGD 72-91N), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on June 20, 1972, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. It is requested that anyone desiring to attend the hearing notify the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590.

The Commandant will evaluate all communications received before June 27, 1972, and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 5641 of March 17, 1972, issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Part 172 of Title 49, Code of Federal Regulations. For reasons fully stated in that document the Board has proposed these changes.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

The Coast Guard proposes to incorporate the substance of the Board's proposal in 46 CFR Part 146.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46 of the Code of Federal Regulations as follows:

1. By adding to § 146.19–1, paragraphs (o) and (p) to read as follows:

§ 146.19–1 Radioactive materials; definitions.

* * * * *

(o) Containment system—containment system of a radioactive materials package is those components of the packaging, including special form encapsulation where used, which have been specified by the package designer as intended to retain the radioactive contents during transport, whether or not individual vessels in the packaging retain their integrity of containment.

(p) Maximum normal operating pressure—maximum normal operating pressure is the maximum pressure above atmospheric pressure at mean sea-level that would develop in the containment system in a period of 1 year, under the conditions of temperature and solar radiation corresponding to environmental conditions.

2. By adding to § 146.19–10, paragraphs (l) and (m) to read as follows:

§ 146.19–10 General packaging requirements.

* * * * *

(l) Prior to the first shipment of any package, the shipper shall insure that:

(1) The packaging meets the specified quality of design and construction.

(2) The effectiveness of the shielding and containment, and, where necessary, the heat transfer characteristics of the package are within the limits applicable to or specified for the package design.

(m) Prior to each shipment of any package, the shipper shall insure by examination or appropriate tests that:

(1) The packaging is proper for the contents being shipped.

(2) The packaging is in unimpaired physical condition.

(3) The closure devices of the packaging, including any required gaskets are properly installed, secured and free of defects.

(4) For fissile materials, any moderators and neutron absorbers, if required, are present in proper condition.

(5) Any special instructions for filling, closing, and preparation of the package for shipment have been followed.

(6) All closures, valves, and other openings of the containment system through which the radioactive contents might escape are properly closed and sealed.

(7) The internal pressure of the containment system will not exceed, during the anticipated period of transport, the maximum normal operating pressure.

(8) External radiation and contamination levels are within the allowable limits.

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170. 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: May 1, 1972.

W. F. RHAE III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-7830 Filed 5-23-72;8:47 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 118]

MIRROR INDUSTRY

Notice of Opportunity To Submit Written Views, Suggestions, or Objections Concerning Trade Practice Rules

In response to requests for changes in its Trade Practice Rules for the Mirror Industry, 16 CFR Part 118, the Commission is proposing the following described changes in the mentioned rules:

The principal change would result in the deletion of the definitions of plate glass and float glass now contained in the rules under § 118.0(c). These definitions would be replaced by a single definition reading as follows:

§ 118.0 Definitions.

* * * * *

(c) For the purposes of these rules the following definitions shall apply:

Plate glass: A transparent glass, the two surfaces of which are flat and parallel so that they give clear and undistorted vision and reflection, manufactured either by floating hot glass in ribbon form upon a heated liquid of greater density than that of glass or by grinding and polishing a ribbon of glass formed between two rolls.

* * * * *

Section 118.2(a) (1) (i) and (2) would also be changed to eliminate provisions requiring that float glass be distinguished from plate glass as follows:

§ 118.2 Misrepresentation of kind or type of industry products.

* * * * *

(a) *Misrepresentation as to kind or type of glass.* (1) (i) It is an unfair trade practice to sell, offer for sale, or distribute any industry product containing "window glass" unless such product is marked, labeled, or stamped so as to reveal that the glass is "window glass".

* * * * *

(2) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to represent that a product contains "crystal" or "crystale" glass, when, contrary to the representation, such product contains a different glass, e.g., "plate glass" or "window glass".

* * * * *

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the Trade Practice Rules for the Mirror Industry to present to the Commission their views concerning the proposed changes in the rules, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the rules, which are advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than June 23, 1972, to the Assistant Director, Division of Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580.

The information which formed the basis of the decision by the Commission to propose the foregoing changes and any responses to the foregoing invitation for comments will be available for public inspection in Room 130 in the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C. All such statements filed not later than June 23, 1972, will be considered by the Commission in determining the proper disposition of this matter.

Issued: May 24, 1972.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-7801 Filed 5-23-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Released IA-319; File No. S7-437]

"INVESTMENT PERFORMANCE" OF AN INVESTMENT COMPANY AND "INVESTMENT RECORD" OF AN APPROPRIATE INDEX OF SECURITIES PRICES

Proposed Definitions; Extension of Time for Submission of Comments

Notice is hereby given that the Securities and Exchange Commission has extended the period of time within which written comments and views may be submitted on its proposal to adopt Rule 205-1 (17 CFR 275.205-1) under the Investment Advisers Act of 1940 (the Act) from May 15, 1972 to May 30, 1972. The proposed rule would define the terms "investment performance" of an investment company and "investment record" of an appropriate index of securities prices as used in section 205 of the Act. It was published for comment on April 6, 1972 in Investment Advisers Act Release No. 316 (37 F.R. 7714).

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MAY 15, 1972.

[FR Doc.72-7814 Filed 5-23-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1322]

[Ex Parte No. MC-1; (Sub-Nos. 4, 5)]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Credit Regulations; Oilfield Carriers; Order Reopening Hearing

MAY 17, 1972.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of May 1972.

Upon consideration of the record in the above-entitled proceeding, including the report and order of the Commission, Division 5, Payment of Rates and Charges of Motor Carriers, 2 M.C.C. 365, as modified and amended by subsequent reports and orders, including those of the entire Commission in 105 M.C.C. 460 and 326 ICC 483; a petition filed February 18, 1971, by Oil Field Haulers Association, Inc., and the Oil Field Haulers Conference of American Trucking Associations, Inc., and a petition filed August 5, 1971, by the American Association of Oilwell Drilling Contractors and the Shippers Oil Field Traffic Association, seeking modification of rules and regulations prescribed by the Commission on governing

the extension of credit by motor carriers to shippers (49 CFR Part 1322), which would generally increase from 7 to 15 calendar days (the latter from the date of delivery of all equipment) the period permitted for carriers to tender their freight bills to those who undertake to pay them, and to allow the shipper 15 calendar days from the date of receipt of the freight bill to tender payment to the carrier.

It appearing, that notice of the filing of the petition by Oil Field Haulers Association, Inc., and Oil Field Haulers Conference of American Trucking Associations, Inc., was given the general public by publication of a notice of proposed rule making dated November 22, 1971, in the FEDERAL REGISTER (36 F.R. 23638) of December 11, 1971, and of the filing of the petition by American Association of Oilwell Drilling Contractors and Shippers Oil Field Traffic Association by notice dated October 15, 1971, in the FEDERAL REGISTER (36 F.R. 20706) of October 28, 1971, directing all persons interested in the subject matters in the petitions and desiring to participate in the proceedings to file replies to the petitions indicating whether they support or oppose the determinations sought; several replies have been received, and a list of all known parties interested in the proceedings has been prepared and is shown in the appendix; [1] therefore, and for good cause appearing:

It is ordered, That the proceeding, Payment of Rates and Charges of Motor Carriers, supra, be, and it is hereby, reopened for reconsideration and further hearing to the extent necessary to resolve the issues presented in the petitions.

And it is further ordered, That the proceeding be handled under the modified procedure with the filing and serving of pleadings on all parties listed in the service list attached hereto as follows: (a) Opening statement of facts and argument by the parties seeking modification of the order and those in support thereof on or before 20 days from the date of service of this order; (b) 30 days thereafter, statements of facts and argument by parties opposing the modification and those in support thereof; and 10 days thereafter replies by parties seeking or opposing the modification.

By the Interstate Commerce Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7851 Filed 5-23-72;8:49 am]

[1] Filed as part of original document.

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REAL ESTATE LOAN ACTIVITIES

Policy Statement on Nondiscrimination Requirements

On December 17, 1971, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency adopted a policy statement prescribing minimum procedures to be utilized by all financial institutions subject to its supervisory authority evidencing compliance with the provisions of title VIII of the Civil Rights Act of 1968. The statement prescribed the use, effective March 1, 1972, of an Equal Housing Lender logotype and statement of nondiscrimination in real estate lending advertisements and the display of an Equal Housing Lender poster by banks engaged in extending real estate loans.

Because of regulations adopted by the Department of Housing and Urban Development, 24 CFR Part 110, 37 F.R. 3429, it is necessary to amend the policy statement, to redesign the logotype and lobby poster and to change the effective date to May 1, 1972. The amended policy statement and the redesigned logotype are attached. A supply of logotype posters has been sent to all national banks. These posters have been approved by the Assistant Secretary for Equal Opportunity of the Department of Housing and Urban Development as an authorized substitute for the poster prescribed in 24 CFR 110.25.

Dated: May 18, 1972.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

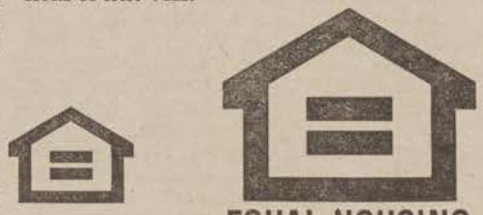
STATEMENT OF POLICY ON CIVIL RIGHTS ACT NONDISCRIMINATION REQUIREMENTS IN REAL ESTATE LOAN ACTIVITIES

Section 805 of title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3605) makes it unlawful for any bank, building, and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms and conditions of such loan or other financial assistance, because of his race, color, religion, or national origin.

Recognizing that increased public awareness of nondiscrimination requirements and the availability of complaint procedures is necessary for effective implementation of the Civil Rights Act's provisions imposed on financial institutions, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the Board of Governors of the Federal Reserve System have adopted the following as minimum procedures to be utilized by all financial institutions subject to their supervisory authority.

1. *Advertisement notice of nondiscrimination compliance.* After May 1, 1972, any financial institution which directly or through third parties engages in any form of advertising of real estate lending services shall prominently indicate, in a manner appropriate to the advertising media and format utilized, that the financial institution makes real estate loans without regard to race, color, religion, or national origin. No words, phrases, symbols, directions, forms, models, or other means shall be used to express, imply, or suggest a discriminatory preference or policy of exclusion in violation of the provisions of title VIII of the Civil Rights Act of 1968. Written advertisements relating to real estate shall include a facsimile of the logotype which is attached in order to increase public recognition of the nondiscrimination requirements and guarantees of title VIII.

2. *Lobby notice of nondiscrimination compliance.* After May 1, 1972, every institution engaged in extending real estate loans shall prominently display so as to be readily apparent to persons seeking loans for housing purposes an equal housing lender poster in accordance with published regulations of the Department of Housing and Urban Development. 37 F.R. 3429 (Feb. 16, 1972). The poster shall attest to that institution's policy of compliance with the nondiscrimination requirements of title VIII of the Civil Rights Act of 1968. Such notice shall include the address of the Department of Housing and Urban Development as the agency to be notified concerning any complaint alleging a violation of the nondiscrimination provisions of title VIII.



[FR Doc.72-7769 Filed 5-23-72;8:45 am]

Internal Revenue Service

[Pay Board Ruling 1972-35]

STOCK OPTIONS

Pay Board Ruling

Facts. Corporation X has been in existence for 5 years. The corporation has steadily been increasing in growth and profits. The board of directors now wants key employees to share in this growth picture by granting stock options. The board of directors adopted a plan on November 1, 1971, which was approved by the corporate stockholders on November 10, 1971. The plan provided for a maximum number of shares to be made available over a 5-year period commencing on January 1, 1972. The option price is 100 percent of the market value on the date of the grant.

Issue. Can Corporation X grant stock options pursuant to this plan without prior Pay Board approval?

Ruling. Yes. If a stock option plan which was adopted before November 14, 1971, meets all the requirements of Economic Stabilization Regulations, 6 CFR 201.76(b)(1), 37 F.R. 3357 (February 15, 1972), except subdivision (v) because no shares under new options were granted during the last 3 fiscal years, and the plan has been in existence for less than a full fiscal year ending before November 14, 1971, then the aggregate shares that may be granted during an employer's fiscal year shall not exceed the greater of the aggregate shares actually granted during such period of less than a full fiscal year ending before November 14, 1971, or 25 percent of the aggregate shares authorized for stock options during the life of the plan. Economic Stabilization Regulations, 6 CFR 201.76 (c)(2), 37 F.R. 3357 (February 15, 1972).

Since Corporation X has not previously granted shares under the plan, it may grant 25 percent of the aggregate shares authorized for stock options during the 5-year-life of the plan in any fiscal year of the employer without Pay Board approval. For example, if the plan provided for a maximum number of 12,000 shares to be granted for a 5-year period, the employer may grant up to 3,000 shares in a fiscal year.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: May 19, 1972.

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

Approved: May 19, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7817 Filed 5-23-72;8:45 am]

[Pay Board Ruling 1972-36]

RETROACTIVE WAGE INCREASES

Pay Board Ruling

Facts. Based upon its high profits for the 1970-71 fiscal year, Employer A announced to his employees prior to the freeze that he would make a large contribution on September 15, 1971, into the existing employee profit-sharing plan. Had the contribution been made, it would have produced a 15-percent increase in

the total compensation for the appropriate employee unit. The actual contribution was precluded by the freeze period of the Economic Stabilization Program. Three of Employer A's employees retired between September 15, 1971, and November 14, 1971. Each of the three employees would have been eligible to receive an increased benefit under the profit-sharing plan at the time of his retirement. Employer A is willing to make the increased contribution to the profit-sharing plan, retroactive to its original date, September 15, 1971.

Issue. May the retroactive contribution to the existing profit-sharing plan be made?

Ruling. Yes. Economic Stabilization Regulations, 6 CFR 201.13(g)(1)(ii), 37 F.R. 1242 (January 27, 1972), permits the payment of wage and salary increases if the employer determines, subject to compliance checks by the Internal Revenue Service, that:

> An employee in an appropriate employee unit would have become eligible to receive a new or increased benefit under a fringe benefit plan but for the freeze, and the employee cannot otherwise (because of death, retirement, etc.) become eligible for the benefit after the freeze.

Moreover, Economic Stabilization Regulations, 6 CFR 201.13(g)(2), 37 F.R. 1242 (January 27, 1972), gives examples of two situations in which the retroactive payment of increased benefits may be made.

In this situation, the appropriate employee unit would have become eligible for the increased benefit, but for the freeze. Three of the employees who retired from the unit during the freeze will not receive any increased benefits if the retroactive payments are not permitted. Therefore, the increased contribution to the profit-sharing plan may be made retroactively without violating the Regulations.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: May 18, 1972.

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

Approved: May 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7818 Filed 5-23-72;8:45 am]

[Price Commission Ruling 1972-170]

CUSTOM PRODUCTS

Price Commission Ruling

Facts. Manufacturer X is currently producing replacement/repair parts for a product which he produced in 1969, and which would have been a "custom product" defined by Economic Stabilization Regulation § 300.410, 6 CFR 300.410, 37 F.R. 5223 (March 11, 1972). Because the original custom product was designed and manufactured in 1969, the production of replacement/repair parts in 1972 requires that X undergo new start-up for this production, although past experience from prior production can be transferred to the new production.

Issue. For purposes of determining a base price on these replacement/repair parts, may they be considered "custom products" under Economic Stabilization Regulation § 300.410?

Ruling. Price Commission Regulation § 300.410(a), 6 CFR 300.410(a), 37 F.R. 5223 (March 11, 1972), defines custom product as one "specially produced to the buyer's * * * specifications and not reasonably comparable to any product manufactured at any previous time by the same manufacturer * * *" In this case, although X has manufactured these precise parts at a previous time, he may determine their base price under the provisions of Economic Stabilization Regulation § 300.410.

These parts, though previously produced by X, are custom products because they are designed and produced merely to maintain a previously built custom product and because they are not manufactured as an item designed to enter into and capture a section of the open market. Since the original product and its component parts were built to the buyer's specifications, each component part and replacement/repair part for that product may be classified as a custom part unless they are readily interchangeable with other common parts. If so interchangeable, they could be priced by X without resort to Economic Stabilization Regulation § 300.410. Such parts would then be more accurately classified as new products (Economic Stabilization Regulation § 300.409, 6 CFR 300.409, 37 F.R. 3913 (February 24, 1972)), or simply another production run of a standard product and would be capable of being priced accordingly.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: May 18, 1972.

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

Approved: May 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7819 Filed 5-23-72;8:45 am]

[Price Commission Ruling 1972-171; Cost of Living Council Ruling 1972-49]

CHARGES OF NONPROFIT EDUCATIONAL INSTITUTION

Price Commission Ruling and Cost of Living Council Ruling

Facts. University A, a nonprofit educational institution, owns and operates several on-campus dormitories solely for the purpose of housing its students. Rooms are leased to the students on a semester basis at a monthly charge of $100 per student. As of June 1972, University A increases the monthly charge to $110.

Issue. May University A increase the monthly charge for housing to $110 without regard to the requirements for rent adjustment under Subpart B of Part 301?

Ruling. Yes. In subpart D, Part 101, the Cost of Living Council has enumerated certain price and pay adjustments which are exempt from the coverage of stabilization controls. Tuition fees and other charges by private schools, colleges, and universities not operated for profit are included within the exemptions granted, provided that such fees and charges do not result in income which is subject to tax as unrelated business taxable income under Part III of Subpart F of the Internal Revenue Code of 1954, as amended. Economic Stabilization Regulations, 6 CFR 101.34(b), 37 F.R. 6827 (April 5, 1972).

Charges for housing which is provided for its students by a nonprofit university is not "unrelated business taxable income" for the purpose of the imposition of tax on exempt organizations under Section 511(a)(1). Internal Revenue Code of 1954, Section 511(a)(1). Thus, such charges constitute "other charges" within the meaning of § 101.34(b), and increases therein are exempt from controls on rent adjustment under Subpart B, Part 301.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: May 18, 1972.

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

Approved: May 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7820 Filed 5-23-72;8:45 am]

[Price Commission Ruling 1972-178]

PRICES STATED AS PERCENTAGE IN CONTRACTS ENTERED INTO DURING FREEZE BASE PERIOD

Price Commission Ruling

Facts. Doctor A, a noninstitutional provider of health services, entered into a contract with two separate hospitals, B and C, on July 1, 1971, to render radiological services for the two hospitals in return for one-third of the gross amounts the hospitals billed users of these services. The contract with hospital B expired on January 1, 1972, and the contract with C expires on July 1, 1972. Doctor A entered into no other contracts after June 1, 1971 until January 1, 1972, when he renewed his contract with hospital B for 6 months on the same terms. Doctor A is not subject to the direction and control of the two hospitals in the means and method of accomplishing the results of his work and is an independent contractor. Price Commission Ruling 1972-119, 37 F.R. 7349 (April 4, 1972). On April 1, 1972, both hospitals incurred allowable cost increases in the operation of their radiology departments and have properly raised their prices charged for

radiological services to reflect these increased costs. Doctor A has incurred no cost increases.

Issue. If Doctor A is paid one-third of the increased prices charged by the hospitals, is this a price increase by Doctor A?

Ruling. No. The Doctor's fees are prices. His base price is the highest price specified by him in contracts with a specific class of purchasers in a substantial number of transactions involving the service in question during the freeze base period. Economic Stabilization Regulations, 6 CFR 300.405, 36 F.R. 23974 (December 16, 1971), as amended 37 F.R. 775 (January 19, 1971). The contracts with hospitals A and B entered into on July 1, 1972, constitute a substantial number of transactions during the freeze base period. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971). Under § 300.5 a transaction was considered to occur when a binding contract was entered into by Doctor A and the hospitals.

The price specified in these contracts was one-third of the gross billings of the respective radiology departments. Therefore Doctor A's base price is one-third of the gross billings, and he may continue to charge this amount even though he has incurred no cost increases himself.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: May 18, 1972.

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

Approved: May 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7821 Filed 5-23-72;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

NATIONWIDE OUTDOOR RECREATION PLAN

Notice of Departmental Forums

Notice is hereby given that the Secretary of the Interior has directed that public forums be held for the purpose of receiving information with respect to the views of the various sectors of the Nation on outdoor recreation needs and opportunities. It is intended that a representative spectrum of public opinion be heard at the forums.

The Secretary is responsible for the development of a comprehensive Nationwide Outdoor Recreation Plan, as required by Public Law 88-29. To assist the Department in its planning effort and to augment its experiences and findings, the public forums will be held to obtain views on the following questions:

1. What should be the major objectives of the Federal Government and of State and local governments in providing outdoor recreation opportunities (in terms of recreation resources and recreation services)?

2. What are the principal outdoor recreation land and facility needs of the American people (in terms of central cities, suburbs and urban fringe, small cities, and the countryside)?

3. At each level of government, what specific criteria should be used to establish priorities among recreation proposals in the allocation of available public funds?

4. What are the major problems hindering provision of adequate outdoor recreation opportunities (in terms of central cities, suburbs and urban fringe, small cities, and the countryside)?

5. What actions would resolve the problems listed in 4 above?

6. What should be the roles of the private sector and each of the several levels of government in providing outdoor recreation opportunities, and how should these roles best be coordinated (in terms of recreation resources and recreation services)?

7. What types of assistance would be helpful to State and local governments and the private sector in improving their capabilities to provide outdoor recreation opportunities?

The public forums will be held in the following cities on the dates indicated:

Denver, Colo.—Friday, June 23, 1972.
Boston, Mass.—Thursday, June 29, 1972.
Philadelphia, Pa.—Tuesday, June 27, 1972.
Atlanta, Ga.—Tuesday, June 27, 1972.
Detroit, Mich.—Thursday, June 29, 1972.
St. Louis, Mo.—Tuesday, June 27, 1972.
Dallas-Fort Worth, Tex.—Thursday, June 29, 1972.
Portland, Oreg.—Tuesday, June 27, 1972.
San Francisco, Calif.—Thursday, June 29, 1972.
Washington, D.C.—Tuesday, July 11, 1972.

The time and place of the public forums will be announced in subsequent press releases from the Regional Directors, Bureau of Outdoor Recreation. Written and oral statements should address as specifically as possible the questions listed above. Interested individuals, representatives of organizations, and public officials who wish to speak at any one of these public forums should contact the Regional Directors, Bureau of Outdoor Recreation, at one of the following offices no later than June 14, 1972.

For the forums to be held at:

Boston and Philadelphia

Contact: Rolland B. Handley, Regional Director, Northeast Region, Bureau of Outdoor Recreation, Federal Building, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102.

Atlanta

Contact: Roy K. Wood, Regional Director, Southeast Region, Bureau of Outdoor Recreation, 810 New Walton Building, Atlanta, Ga. 30303.

Detroit and St. Louis

Contact: John D. Cherry, Regional Director, Lake Central Region, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, MI 48104.

Denver and Dallas-Fort Worth

Contact: Maurice D. Arnold, Regional Director, Mid-Continent Region, Bureau of Outdoor Recreation, Denver Federal Center, Building 41, Post Office Box 25387, Denver, CO 80225.

Portland

Contact: Maurice H. Lundy, Regional Director, Pacific Northwest Region, Bureau of Outdoor Recreation, 1000 Second Avenue, Seattle, WA 98104.

San Francisco

Contact: Frank E. Sylvester, Regional Director, Pacific Southwest Region, Bureau of Outdoor Recreation, Box 36062, 450 Golden Gate Avenue, San Francisco, CA 94102.

Washington, D.C.

Contact: Director, Bureau of Outdoor Recreation, Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

The notice of request to speak should include the following:

1. Name and address of the person requesting the appearance;
2. Four copies of the prepared statement the person plans to present, or if that is not practicable, a concise summary of the proposed oral presentation;
3. If such persons would appear in a representative capacity, the name and address of the persons or organization he represents.

Written comments, in four copies, from those unable to attend and from those wishing to supplement their oral presentations at the forums should be addressed to a Regional Director at the aforesaid address. All statements, written and oral, received pursuant to this notice prior to August 11, 1972, will be considered in the preparation of the Nationwide Outdoor Recreation Plan required by Public Law 88-29.

Oral statements at the hearings will be limited to a period of 10 minutes. As a general rule, each organization wishing to present an oral statement shall be limited to one speaker, unless prior approval is obtained. Approval for additional time or additional speakers shall be obtained from the Department through the appropriate Regional Director listed above. To the extent that time is available after presentation of oral statements by those who have given advance notice, the Presiding Officer will give others present an opportunity to be heard. The Presiding Officer, who will represent the Secretary of the Interior, shall regulate the proceedings and confine the presentations to matters pertinent to the inquiry. The Department reserves the right to limit the oral presentations at the forums, as may be necessary, to ensure that a representative sample of public views on outdoor recreation is obtained within the time available.

Subsequent notices regarding the public forums will be announced in the press.

JOHN W. LARSON,
Assistant Secretary of
the Interior—Program Policy.

MAY 22, 1972.

[FR Doc.72-7974 Filed 5-23-72;8:51 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-582]

JOHN L. SCHLESENER

Notice of Loan Application

MAY 17, 1972.

John L. Schlesener, Post Office Box 78, Hammond, OR 97121, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 30-foot registered length, to engage in the fishery for salmon, albacore, and Dungeness crab off the coasts of Washington and Oregon.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-7831 Filed 5-23-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 1735]

CERTAIN OTC LAXATIVE 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 laxative drugs are included in this announcement:

1. Elixol Elixir containing rhubarb, potassium carbonate, berberis, and cinnamic aldehyde; Westerfield Laboratories, Inc., 3941 Brotherton Road, Cincinnati, Ohio 45209 (NDA 1-735).

2. Metamucil Powder (for suspension in a suitable liquid) containing psyllium hydrophilic mucilloid; G. D. Searle & Co., Post Office Box 5110, Chicago, Ill. 60680 (NDA 2-425).

The labeling for Metamucil Powder was submitted to the Academy for review, citing NDA 2-435 as the applicable new-drug application. However, NDA 2-435 provides for only a preparation described as Metamucil-2.

3. Glysennid Tablets containing sennosides A and B as calcium salts; Sandoz Pharmaceuticals, Division of Sandoz-Wander, Inc., Route 10, Hanover, N.J. 07936 (NDA 5-237).

4. Neoloid Emulsified Castor Oil; Lederle Laboratories, Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 5-270).

5. Cellothyl Tablets containing methylcellulose; Warner-Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 5-959).

6. Cologel Liquid containing methylcellulose; Eli Lilly & Co., Box 618, Indianapolis, Ind. 46206 (NDA 7-384).

7. Turicum Suspension containing sodium carboxymethylcellulose and magnesium hydroxide; Whittier Laboratories, 2101 Dempster Street, Evanston, Ill. 60201 (NDA 7-735).

8. Senokot Granules containing senna; the Purdue Frederick Co., 99-101 Saw Mill River Road, Yonkers N.Y. 10701 (NDA 9-939).

9. Doxan Tablets containing dioctyl sodium sulfosuccinate and danthron; Hoechst Pharmaceuticals, Inc., Division, American Hoechst Corp., Route 202-206 North, Somerville, N.J. 08876 (NDA 10-586).

10. Magcyl Capsules containing poloxalkol; Paul B. Elder Co., 705 East Mulberry Street, Bryan, Ohio 43506 (NDA 10-726).

11. Peri-Colace Syrup and Peri-Colace Capsules containing dioctyl sodium sulfosuccinate and casanthranol; Mead Johnson Laboratories, Division of Mead Johnson and Co., 2404 Pennsylvania Street, Evansville, Ind. 47304 (NDA 10-727).

12. Senokap Capsules containing dioctyl sodium sulfosuccinate and senna; the Purdue Frederick Co. (NDA 11-002).

13. Dulcolax Tablets containing bisacodyl; Geigy Pharmaceuticals, Division of Ciba-Geigy Corp., Ardsley, N.Y. 10502 (NDA 11-382).

14. Dulcolax Suppositories containing bisacodyl; Geigy Pharmaceuticals (NDA 11-384).

15. Polykol Capsules containing poloxalkol; the Upjohn Co., 7171 Portgage Road, Kalamazoo, Mich. 49002 (NDA 11-487).

16. Polykol Drops containing poloxalkol; the Upjohn Co. (NDA 11-488).

17. Casakol Capsules containing poloxalkol and casanthranol; the Upjohn Co. (NDA 11-621).

18. Casakol Syrup containing poloxalkol and casanthranol; the Upjohn Co. (NDA 11-667).

19. Magcyl Liquid containing poloxalkol; Paul B. Elder Co. (NDA 11-704).

20. Dorbantyl Capsules and Dorbantyl Forte Capsules containing dioctyl sodium sulfosuccinate and danthron; Riker Laboratories, Inc., 19901 Nordhoff Street, Northridge, Calif. 91326 (NDA 12-631).

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

1. Elixol elixir containing rhubarb, potassium carbonate, berberis, and cinnamic aldehyde.

This drug was evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Carminative.
Evaluation: Possibly effective.
Comments: The therapeutic value of a carminative is not clear. No specific indications are listed on the label.
Indication: Laxative (an implied claim).
Evaluation: Possibly effective.
Comments: This is a variant of rhubarb and soda of the old NF. The rhubarb is now surely of American origin and hence nonlaxative, in contrast to Chinese rhubarb. Indeed, the astringent effect of the tannic acid in the rhubarb may be constipating. The potassium carbonate is expensive, compared with the sodium salt, and carries with it the danger of hyperkalemia. Berberis and cinnamic aldehyde are irritants and astringents of unknown efficacy. This is a preparation long since obsolete.

2. Metamucil Powder for suspension containing psyllium hydrophilic mucilloid.

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

Indication: Constipation.
Evaluation: Probably effective.
Comments: There are no controlled clinical trials cited to support the effectiveness of this drug.

3. Gylsennid Tablets containing sennosides A and B, as calcium salts.

This drug was evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Simple constipation, sluggish bowels (as in pregnancy)."
Evaluation: Effective, but * * *
Comments: Simple constipation is a reasonable indication, but the term "sluggish bowels," which is deceptively meaningless, should be deleted. The statement that the agent reproduces "normal physiologic defecation" is unsupported and should be deleted.

4. Neoloid Emulsified Castor Oil.

This drug was evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: None listed but the cathartic effect of castor oil is widely known and the statement that frequent or continued use may result in dependence on laxatives both point to its use for increasing bowel movements.
Evaluation: Effective, but * * *.
This drug was evaluated by the Panel on Drugs Used in Gastroenterology.
Comments: The label should state the indications for using this drug, e.g., "For the treatment of isolated bouts of constipation or preparation of the colon for X-ray and endoscopic examination."
It would be well to add nonspecific ulcerative colitis to the list of disorders which make

the drug contraindicated, unless prescribed by a competent person.

5. Cellothyl Tablets containing methylcellulose.

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

Indication: "Chronic constipation and allied intestinal disorders."

Evaluation: Effective, but * * *.

Comments: Methylcellulose is a hydrophilic cathartic, 1 g. of which will increase stool bulk 10 g., according to Tainter and Buchanan. The use of such material in the treatment of patients with chronic constipation is rarely completely satisfying, and many patients become refractory to continued administration. The dosage schedule suggested is probably safe, and if no relief of constipation occurs with the maximum dosage suggested, the drug should be discontinued. Methylcellulose is to be used primarily in the treatment of functional constipation. The implication that it is of value in the treatment of "allied intestinal disorders" is unwarranted.

Indication: "Control of diarrheas."

Evaluation: Possibly effective.

Comments: If diarrhea results from colonic dysfunction without underlying disease, methylcellulose may be effective. In all diarrhea, proper diagnostic workup is necessary to exclude organic or specific infectious causes, and nonspecific treatment, such as Cellothyl, should not be instituted without adequate prior studies.

6. Cologel Liquid containing methylcellulose.

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

Indication: For the relief of constipation.

Evaluation: Probably effective.

Comments: Evidence is presented that after the use of methylcellulose the stools are increased in weight and have a higher water content, but this was based on studies on three subjects. In clinical studies of constipated patients, the use of this agent was uncontrolled or the patient was used as his own control, having been treated unsuccessfully by other means. The average dose of the compound advised by most authorities is 2.0 to 6.0 g. daily, and thus the dose recommended in this formulation is at or below this range. Evidence of effectiveness should be provided in the form of controlled clinical trials vs. placebo medication, and in the dosage range recommended.

7. Turicum Suspension containing sodium carboxymethylcellulose and magnesium hydroxide.

This drug was evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Hydrophilic lubricoid for the relief of constipation."

Evaluation: Effective, but (subsequently reevaluated as "Effective").

Comments: Carboxymethylcellulose is a bulk-forming laxative helpful in the treatment of chronic constipation. The use of the word "lubricoid" by the manufacturer stressing the advantages of this product is gratuitous and introduces a concept that has no bearing on the use of the drug.

The amount of magnesium contained in the recommended dose in Turicum is of little therapeutic value. The relevance of the comparison to mineral oil is questionable.

8. Senokot Granules containing senna.

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

Indication: "Functional constipation of various types and etiology: chronic; occasional; geriatric; postpartum; pregnancy; pediatric. Also functional constipation concurrent with: cardiovascular disorder; hemorrhoids; intake of certain drugs; special diets."

Evaluation: Effective, but * * *.

Comments: Senna is an effective cathartic, like other cathartics that have an irritative action on the colon, it should not be recommended for routine use in chronic constipation. Treatment should include patient education, dietary management, and, if necessary, "bulking agents." Treatment of "chronic" constipation should preclude the use of any irritant cathartic such as Senokot.

General comments. The package insert e: ggerates the virtues of Senokot, and, indeed, contains statements that are contrary to accepted views. Specifically, description of the agent is an "aid in the rehabilitation of the constipated paient" and as the "laxative of choice of functional constipation" is contrary to accepted principles of management of constipation. The package insert, to be satisfactory, would need to specify the role of a stimulant cathartic in proper perspective.

The statement that Senokot in "proper dosage" is virtually free of side effects is not consistent with reported observations. In one of the reports cited by the manufacturer, griping was recorded in 17.5 percent of patients with a laxative response.

The "Contraindications" section is satisfactory.

9. Doxan Tablets containing dioctyl sodium sulfosuccinate and danthron.

This drug was evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "An aid in the treatment of temporary constipation."

Evaluation: Effective.

Comments: Doxan contains two ingredients, dioctylsodium sulfosuccinate and danthron. The former is a synthetic wetting agent used primarily for its ability to soften the stool. Its action is related to its physical property of reducing surface tension.

Danthron N.F. (1,8-dihydroxyanthraquinone) apparently has been added to this preparation to promote peristaltic stimulation. Danthron has approximately 40 percent the laxative potency of phenolphthalein.

General comments. The brochure is short and contains no unwarranted statements. The usual precautions are adequately summarized. No known toxic effects have been elicited during extensive experimental and clinical trials of dioctylsodium sulfosuccinate. But, Doxan has been noted on occasion to tint alkaline urine pink or orange. This apparently is related to the presence of danthron N.F. This does not appear to be a significant toxic reaction but could lead to some anxiety on the part of a patient or physician unfamiliar with the drug. Unwarranted urinary investigations might be prevented by the inclusion of such a statement under "Warning."

1,8-Dihydroxyanthraquinone has been found to be excreted in the milk of nursing mothers. Therefore, some investigation should be made of the possible laxative effect of this drug in a nursing infant whose mother is taking this preparation.

It is difficult to define the relative contribution made by each ingredient. However, clinical experience indicates that many patients with functional constipation experience satisfactory results with minimal adverse reactions.

In the treatment of constipation every effort should be made to carry out the necessary diagnostic and therapeutic measures so that the underlying causes of constipation can be identified and eliminated.

10. Magcyl capsules containing poloxalkol.

This drug was evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: For relief and prevention of constipation due to and associated with inspissation of stools.

Evaluation: Possibly effective.

Comments: This polymer of ethylene oxide and propylene oxide is promoted as a nonionic fecal softener. The only clinical study supporting this claim is a completely uncontrolled and highly questionable study. There is no package insert.

General comments. A dangerous principle here is the setting of dosage ranges for children when the material has been administered, in the clinical study cited, only to adults.

11. Peri-Colace Syrup and Capsules containing casanthranol and dioctyl sodium sulfosuccinate.

These drugs were evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Gentle laxative and stool softener for treating constipation."

Evaluation: Effective.

Comments: Peri-Colace contains two ingredients, dioctylsodium sulfosuccinate and casanthranol. The former is a synthetic wetting agent with the ability to soften the stool. Its action is stated to be related to its physical property of reducing surface tension. However, the true laxative action of this softening agent is minimal. There is no definite evidence presented that the addition of dioctylsodium sulfosuccinate contributes to the effectiveness of the casanthranol. Large experience with this drug has failed to reveal any evidence of toxicity.

Casanthranol is an anthraquinone derivative reported to be the active laxative principle of cascara sagrada extract, and is made a constituent of Peri-Colace to produce peristaltic stimulation. It is stated to be 10 times as potent as whole cascara sagrada in humans.

General comments. It is difficult to define the relative contribution made by each ingredient. However, clinical experience indicates that many patients with functional constipation experience satisfactory results with minimal adverse reactions.

In the treatment of constipation every effort should be made to carry out the necessary diagnostic and therapeutic measures so that the underlying causes of constipation can be identified and eliminated.

A related drug 1,8-dihydroxanthraquinone has been found to be excreted in the milk of nursing mothers. Therefore, some investigation should be made of the possible laxative effect of this drug in a nursing infant whose mother is taking this preparation.

12. Senokap Capsules containing senna and dioctyl sodium sulfosuccinate.

This drug was evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Acute, chronic or obstinate constipation whether as a result of persistent habit pattern, a complication of pregnancy, illness or constipating therapy, or when associated with aging."

Evaluation: Effective, but * * *.

Comments: Senokap contains two ingredients, dioctylsodium sulfosuccinate and senna concentrate. The former is a synthetic wetting agent with the ability to soften the stool. Its action is stated to be related to its physical property of reducing surface tension. However, there is no definite evidence presented that the addition of dioctylsodium sulfosuccinate contributes to the effectiveness of the senna concentrate.

It is difficult to define the relative contribution made by each ingredient. However, clinical experience indicates that many patients with functional constipation experience satisfactory results with minimal adverse reactions.

In the treatment of constipation every effort should be made to carry out the necessary diagnostic and therapeutic measures so that the underlying causes of constipation can be identified and eliminated.

Although this medication is an effective cathartic, "chronic or obstinate constipation" should not be treated with stimulant cathartics of this type. The addition of a stool softener to an irritant cathartic does not alter the inappropriateness of using the irritant cathartic for chronic constipation. This preparation can be considered appropriate only for brief management of constipation.

This drug was subsequently reevaluated as "Effective" and the following addition Comment was made:

Comment: We have questioned the relative role of the two ingredients—senna concentrate and dioctylsodium sulfosuccinate—and no definite evidence was presented that the dioctylsodium succinate contributes to the effectiveness of the combination. We would also recommend that the adjectives "acute, chronic, or obstinate" be deleted as descriptions of the constipation given as an indication for the use of the preparation. Acute constipation calls for study to detect its causes. Chronic constipation is generally better treated by drugs other than senna. If considered purely as a laxative, however, and its use understood and controlled, Senokap is evidently "effective."

13. Dulcolax Tablets containing bisacodyl and;

14. Dulcolax Suppositories containing bisacodyl.

These drugs have been evaluated by the following Panels:

1. Panel on Drugs Used in Gastroenterology.

2. Panel on Drugs Used in Surgery.

PANEL ON DRUGS USED IN GASTROENTEROLOGY

Indication: Acute constipation.
Evaluation: Effective.
Comments: None.
Indication: Chronic constipation and bowel retraining.
Evaluation: Effective, but * * *.
Comments: This drug has been in general use only since 1956 and the full range of possible toxic effects from long continued use is still not fully known. In any case patients with chronic constipation should be studied completely so that if possible the patient may be freed from dependence upon the continued use of laxative drugs.
Indication: Preparation for radiography.
Evaluation: Effective, but * * *.
Comments: There are a number of controlled studies in the radiological literature which show bisacodyl to be more effective than routine enemas in preparing patients for barium enema, but when careful supervision of the giving of enemas is practiced, results are superior to those obtained with Dulcolax. If colonic obstruction is suspected Dulcolax should not be given.
Indication: Preoperative preparation, instead of enema.
Evaluation: Effective.
Comments: The package insert properly emphasizes that bisacodyl will not replace the enema for preparation of the patient who is to undergo colonic surgery.
Indication: Postoperative care, instead of enemas.
Evaluation: Effective.
Comments: None.
Indication: Antepartum and postpartum care, instead of enemas.
Evaluation: Effective.
Comments: None.
Indication: Preparation for sigmoidoscopy or proctoscopy.
Evaluation: Effective, but * * *.
Comments: This type of preparation for sigmoidoscopy is rarely needed. The use of Dulcolax suppository will usually alter the gross appearance of the rectal mucosa, and the sigmoidoscopist must be familiar with this.
Indication: Management of colostomy irrigation.
Evaluation: Probably effective.
Comments: There is need for more critical comparison with the commonly used irrigations. Furthermore, since this may mean chronic usage there is need for long-term observations for effectiveness and toxic manifestations.
Indication: Preparation for delivery.
Evaluation: Effective.
Comments: None.
General comments. The various wrappers supplied with Dulcolax mention only that it is contraindicated when symptoms of an acute abdomen are present. Perhaps a line to the effect that "prolonged constipation should be treated by your physician" would be a sensible addition.

PANEL ON DRUGS USED IN SURGERY

Indication: Laxative in emptying the G.I. tract before abdominal surgery or other surgery.
Evaluation: Effective.
Comments: Although well-designed studies are not available on the use of bisacodyl, there are several published reports on the efficacy of this agent in postpartum and postoperative patients. Because the package insert notes that bisacodyl will not replace colonic irrigation for intracolonic surgery, the Panel accepts the indication within the stated limitations.
Indication: Postoperative care; to restore normal bowel hygiene.
Evaluation: Effective.
Comments: Satisfactory evidence is provided in reports of clinical studies to support this claim.
Indication: Colostomy care.
Evaluation: Probably effective.
Comments: One study has shown the usefulness of bisacodyl solution in colostomy care; however, well-designed studies are not available to demonstrate a decrease in the need for irrigation.

15. Polykol Capsules containing poloxalkol.

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

Indication: Temporary relief of hard stools.
Evaluation: Probably effective.
Comments: This drug and similar compounds need a controlled study showing evidence that the stools are actually softer and that its action is effective. The few studies published so far are merely clinical observations; no studies have been done on the physical characteristics of stools from patients on the drug or of a comparative study with similar agents including placebos, etc.

16. Polykol Drops containing poloxalkol.

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

Indication: Temporary relief of hard stools.
Evaluation: Probably effective.
Comments: This drug and similar compounds need a controlled study showing evidence that the stools are actually softer and that its action is effective. The few studies published so far are merely clinical observations; no studies have been done on the physical characteristics of stools from patients on the drug or of a comparative study with similar agents including placebos, etc.

17. Casakol Capsules containing poloxalkol and casanthranol.

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

Indication: Temporary relief of occasional constipation.
Evaluation: Probably effective.
Comments: There is no evidence in the literature of the use of this drug in controlled clinical studies. Furthermore, there is no evidence that this combination of laxative-cathartic offers an advantage over an effective dose of any one constituent.

18. Casakol Syrup containing poloxalkol and casanthranol.

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

Indication: Temporary relief of occasional constipation.
Evaluation: Probably effective.
Comments: There is no evidence in the literature of the use of this drug in controlled clinical studies. Furthermore, there is no evidence that this combination of laxative-cathartic offers an advantage over an effective dose of any one constituent.

19. Magcyl Liquid containing poloxalkol.

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

Indication: For relief and prevention of constipation due to and associated with inspissation of stools.
Evaluation: Possibly effective.
Comments: This polymer of ethylene oxide and propylene oxide, is promoted as a nonionic fecal softener. The only clinical study supporting this claim is a completely uncontrolled and highly questionable study. There is no package insert.
General comment. A dangerous principle here is the setting of dosage ranges for children when the material has been administered, in the clinical study cited, only to adults.

20. Dorbantyl Capsules and Dorbantyl Forte Capsules containing danthron and dioctyl sodium sulfosuccinate.

These drugs have been evaluated by the Panel and Drugs Used in Gastroenterology.

Indication: "Promotes colonic evacuation."
Evaluation: Effective.
Comments: Dorbantyl contains two ingredients, dioctylsodium sulfosuccinate and 1,8-dihydroxyanthraquinone. The former is a synthetic wetting agent that leads to softening of the stool and is apparently well tolerated. Its action is stated to be related to its physical property of reducing surface tension. However, the true laxative action of this softening agent is minimal. There is no definite evidence presented that the addition of dioctylsodium sulfosuccinate contributes to the effectiveness of the Danthron.

1,8-Dihydroxyanthraquinone is an active laxative agent of the emodin group that acts in the large bowel. Compounds in this category are excreted in the urine and milk. Accordingly, diarrhea may be induced in

nursing infants of mothers taking this cathartic. This caution should be stated on the label of this drug. Also, 1,8-dihydroxyanthraquinone has been noted on occasion to tint alkaline urine pink or orange. This does not appear to be a significant toxic reaction but could lead to some anxiety on the part of a patient or a physician unfamiliar with the drug. Unwarranted urinary investigations may be prevented by the inclusion of such a statement under "Warning."

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 1735, 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 communication 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.72–7804 Filed 5–23–72;8:46 am]

[DESI 2805]

CERTAIN OTC OPHTHALMIC, AND ANTIDANDRUFF 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. Pragmatar Ointment, containing coal tar, sulfur, and salicylic acid; Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 2–805).

2. Visine Eye Drops, containing tetrahydrozoline hydrochloride; Leeming Division Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 10–878).

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

I. ANTIDANDRUFF PREPARATIONS

1. Pragmatar Ointment containing coal tar, sulfur, and salicylic acid. This drug was evaluated by the Panel on Drugs Used in Dermatology.

Indication: For use in treatment of seborrheic infections, especially of the scalp, including dandruff and "cradle cap," subacute and chronic dermatitis; eczematous eruptions; fungus infections, including "athlete's foot."

Evaluation: Effective.

Comments: The Panel feels that this product is of therapeutic value, for it has enjoyed a long and widely accepted usage.

II. OPHTHALMIC PREPARATIONS

2. Visine Eye Drops containing tetrahydrozoline hydrochloride. This drug has been evaluated by the Panel on Drugs Used in Ophthalmology.

Indication: Modern eye drop that gives fast, effective relief to red, burning, irritated eyes * * * in just 60 seconds.

Evaluation: Possibly effective.

Comments: Although the topical sympathomimetic drugs may produce vasoconstriction, it is for the company to document symptomatic relief of burning and irritation in 60 seconds.

Indication: For the prompt soothing relief of symptoms such as redness, burning, itching, and excessive watering due to minor eye irritations and allergic conditions such as eye fatique (due to excessive reading, television viewing, sewing; on-the-job eye strain; night driving; wind and sun glare); plant allergies (such as hay fever and rose fever); industrial irritants (smoke, smog, dust, and similar irritants); contact lens irritations.

Evaluation: Possibly effective.

Comments: The topical sympathomimetic agents do produce vasoconstriction and decongestion of the eye, but the Panel feels that the company needs to further substantiate the purported prompt symptomatic relief.

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 2805, 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: April 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–7803 Filed 5–23–72;8:46 am]

[DESI 8301]

CERTAIN OTC SUN SCREEN AGENTS

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 Sun Screen Agents are included in this announcement:

1. Sun Stick, and,

2. Sunswept Cream, containing digalloyl trioleate; Texas Pharmacal Co., an affiliate of Warner-Chilcott Laboratories, Post Office Box 1659, San Antonio, Tex. 78206 (NDA 8–301, and NDA 8–358).

3. Sun Bath Lotion and Cream, and,

4. Sun Bath (Extra Protective Formula) Lotion and Cream, containing isobutyl salicyl cinnamate; Revlon, Inc., 767 Fifth Avenue, New York, N.Y. 10022 (NDA 11–296, and NDA 11–297).

5. Sundare Lotion, containing cinoxate; Texas Pharmacal Co. (NDA 12–307).

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, Panel on Drugs Used in Dermatology, are as follows:

1. Sun Stick containing digalloyl trioleate.

Indication: Protects against painful sunburn and prevents and relieves chapping of lips.

Evaluation: Effective, but * * *.

Comments: As long as the insert warns against prolonged exposure and warns persons with sunsensitive skin to exercise caution regarding sun exposure, then the claim for preventing sunburn is effective. However, without such a warning, the company would have to document the product's efficacy in preventing sunburn. The insert should indicate that the product helps protect and prevent sunsensitivity skin reactions.

2. Sunswept Cream containing digalloyl trioleate.

Indication: Provides invisible sun protection—moisturizes the skin. Prevents sunburn, promotes suntan.

Evaluation: Effective, but * * *.

Comments: As long as the insert warns against prolonged exposure and warns persons with sunsensitive skin to exercise caution regarding sun exposure, then the claim for preventing sunburn is effective. However, without such a warning the company would have to document the product's efficacy in preventing sunburn.

The insert should indicate that the product helps prevent and protect against sunsensitivity reactions.

3. Sun Bath Lotion and Cream containing isobutyl salicyl cinnamate.

Indication: Exclusive sun screen filters out sun's burning rays, admits tanning rays.

Gives long-lasting suntan without burning, peeling.

Evaluation: Probably effective.

Comments: The insert should be changed to read: Exclusive sun screen helps to filter sun's burning rays. Helps give long-lasting suntan without burning or peeling.

If the company does not wish to make this change, then they should either adequately document that tanning can occur without burning or peeling or delete this claim from the insert.

Indication: Use even when tan to help prevent sun aging, wrinkling, drying * * *. Keep skin soft and supple. Quickly absorbed into skin * * *. Certified washable from fabrics.

Evaluation: Possibly effective.

Comments: There is no evidence regarding the prevention of sun aging, wrinkling or drying, nor for keeping the skin soft and supple. Unless the company can present adequate substantiation for these claims, they should be deleted from the insert and package.

4. Sun Bath Extra Protective Formula Lotion and Cream containing isobutyl salicyl cinnamate.

Indication: Protects * * * exclusive sun screen filters out burning rays so effectively even redheads, blonds, and children can sun and tan without burning or peeling. Moisturizes * * * use even when tan to help prevent sun aging, wrinkling, drying. Keeps skin soft and supple.

Evaluation: Probably effective.

Comments: There is no supportive evidence for these claims and the company did not forward any data upon request. The Panel feels that unless the company can support these claims they should be deleted from the insert. The product does have potential therapeutic value, but only under much more reserved phraseology, for it cannot prevent sun aging and cannot fully protect against burning and peeling. The insert should warn users that the product plus judicious exposure length can help protect sunsensitive skin.

5. Sundare Lotion containing cinoxate.

Indication: Protects against painful sunburn, yet permits tanning. Prevents burning.

Evaluation: Effective, but * * *.

Comments: As long as the insert warns against prolonged exposure and warns persons with sunsensitive skin to exercise caution regarding sun exposure, then the claim for preventing sunburn is effective. However, without such a warning, the company would have to document the product's efficacy in preventing sunburn.

The insert should indicate that the product helps prevent and protect against sunsensitivity reactions.

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 8301, 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: April 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-7805 Filed 5-23-72;8:46 am]

[DESI 5474]

CERTAIN OTC VAGINAL CONTRACEPTIVES

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. Lorophyn Jelly, containing phenylmercuric acetate, octoxynol, and sodium borate; The Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y. 13815 (NDA 5–474).

2. Ramses Vaginal Jelly, containing dodecaethyleneglycol monolaurate, boric acid, and alcohol; Julius Schmid, Inc., 423 West 55th Street, New York, N.Y. 10019 (NDA 5–766).

3. Koromex Vaginal Jelly, containing boric acid and phenylmercuric acetate; Holland-Rantos Co., Inc., 393 Seventh Avenue, New York, N.Y. 10001 (NDA 5–772).

4. Koromex Vaginal Cream, containing boric acid and phenylmercuric acetate; Holland-Rantos Co., Inc. (NDA 5–774).

5. Lorophyn Suppositories, containing phenylmercuric acetate and methylbenzethonium chloride; the Norwich Pharmacal Co. (NDA 5–822).

6. Immolin Cream-Jel, containing methoxypolyoxyethyleneglycol 550 laurate and nonoxynol; Julius Schmid, Inc. (NDA 8–595).

7. Lanesta Vaginal Gel, containing chlorindanol, sodium lauryl sulfate, ricinoleic acid, and sodium chloride; Esta Medical Laboratories, 902 Broadway, New York, N.Y. 10010 (NDA 11–460).

8. Emko Foam, containing nonoxynol and benzethonium chloride; the Emko Co., 7912 Manchester Avenue, St. Louis, Mo. 63143 (NDA 11–967).

9. New Improved Koromex Jelly, containing polyethylene glycol tertdodecylthioether, boric acid, and phenylmercuric acetate; Holland-Rantos Co., Inc. (NDA 13–327).

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. Lorophyn Jelly containing phenylmercuric acetate, octoxynol, and sodium borate.

Indication: Used as a spermicidal contraceptive and vaginal lubricant.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

2. Ramses Vaginal Jelly containing dodecaethyleneglycol monolaurate, boric acid, and alcohol.

Indication: Intravaginal contraception.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

3. Koromex Vaginal Jelly containing boric acid and phenylmercuric acetate.

Indication: Used as a spermicidal contraceptive and vaginal lubricant.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

4. Koromex Vaginal Cream containing boric acid and phenylmercuric acetate.

Indication: Used as a spermicidal contraceptive and vaginal lubricant.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

5. Lorophyn Suppositories containing phenylmercuric acetate and methylbenzethonium chloride.

Indication: Used as a spermicidal contraceptive and vaginal lubricant.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

6. Immolin Cream-Jel containing methoxypolyoxyethyleneglycol 550 laurate and nonoxynol.

Indication: Intravaginal contraception.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

7. Lanesta Vaginal Gel containing chlorindanol, sodium lauryl sulfate, ricinoleic acid, and sodium chloride.

Indication: Intravaginal contraception.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

8. Emko Foam containing nonoxynol and benzethonium chloride.

Indication: Intravaginal contraception.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

9. New Improved Koromex Jelly containing polyethylene glycol tertdodecylthioether, boric acid, and phenylmercuric acetate.

Indication: Used as a spermicidal contraceptive and vaginal lubricant.
Evaluation: Effective.
Comments: This method of contraception is highly but not 100 percent effective.

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 5474, 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: April 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–7807 Filed 5–23–72;8:46 am]

[DESI 50165]

MISCELLANEOUS OTC TOPICAL ANTIBIOTIC 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 drugs are included in this announcement:

1. Tyrotrace Topical Ointment containing zinc bacitracin and typrothricin; Merck Sharp and Dohme, Division of Merck and Co., Inc., West Point, Pa. 19486 (NDA 60–294).

2. Polycin Ointment containing zinc bacitracin and polymyxin B sulfate; the Dow Chemical Co., Post Office Box 1656, Indianapolis, Ind. 46206 (NDA 60–336).

3. Polysporin Ointment containing zinc bacitracin and polymyxin B sulfate, Burroughs-Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 50–165).

4. Terramycin Ointment with Polymyxin B containing oxytetracycline hydrochloride and polymyxin B sulfate; Chas. Pfizer and Co., 235 East 42d Street, New York, N.Y. 10017 (NDA 61–007).

5. Terramycin Topical Powder with Polymyxin B Sulfate containing oxytetracycline hydrochloride and polymyxin B sulfate; Chas. Pfizer and Co., Inc. (NDA 60–458).

6. Tetracycline Hydrochloride Ointment; Day-Baldwin, Inc., 485 Lexington Avenue, New York, N.Y. 10017 (NDA 60–316).

7. Achromycin Ointment containing tetracycline hydrochloride; Lederle Laboratories, Division American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 50–403).

8. Aureomycin Ointment containing chlortetracycline hydrochloride: Lederle Laboratories, Division American Cyanamid Co. (NDA 50–256).

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, Panel on Orugs Used in Dermatology, are as follows:

1. Tyrotrace Topical Ointment containing zinc bacitracin and tyrothricin.

Indication: For use only in the prevention of infection of minor cuts and abrasions.
Evaluation: Possibly effective.
Comments: There is no adequate support showing that the combination or its separate components have therapeutic value in prophylaxis against infection in minor skin wounds.

The Panel feels that there are no well controlled studies to support the prophylactic use of topical antimicrobial agents in these minor and usually self-limited cutaneous traumas.

2. Polycin Ointment containing polymyxin B sulfate and zinc bacitracin.

Indication: To help prevent infection in minor cuts, burns and abrasions.
Evaluation: Possibly effective.
Comments: There is no evidence that the combination is superior to its components in therapeutic efficacy or that it is an effective form of prophylaxis against infection in these minor and usually self-limited cutaneous traumas.

The concentration of bacitracin is below the recognized lower limit of 500 μ/g., and the concentration of polymyxin is below the recommended 10,000 μ/g.

Indication: As an aid to healing.
Evaluation: Possibly effective.
Comments: There are no well controlled studies that demonstrate any increased healing with the product's use.

3. Polysporin Ointment containing polymyxin B sulfate and zinc bacitracin.

Indication: To help prevent infections in minor cuts, burns and abrasions; as an aid to healing.
Evaluation: Possibly effective.
Comments: There is no evidence that the combination is superior to its components in therapeutic efficacy or that it is an effective form of prophylaxis against infection in these minor and usually self-limited cutaneous traumas.

There are no well controlled studies that demonstrate an increased healing with the product's use.

General comments. A warning should be placed in the label that more than 200 mg. per day of Polymyxin B should not be applied to raw or denuded skin because of the danger of systemic absorption with possible nephro and neurotoxicity.

4. Terramycin Topical Ointment with Polymyxin B Sulfate containing oxytetracycline hydrochloride and polymyxin B sulfate.

This drug was evaluated by the following panels:

a. Panel on Drugs Used in Dermatology.

b. Panel on Drugs Used in Surgery.

PANEL ON DRUGS USED IN DERMATOLOGY

Indication: For the prevention of infection in minor burns, minor wounds, and abrasions.
Evaluation: Effective, but * * *.
Comments: The insert should stress that the growth of pseudomonas and proteus may be favored and thus cause a serious secondary infection. The product should not be used on denuded burns or wounds.

The Panel feels that there are no well controlled studies to support the prophylatic use of topical antimicrobial agents in these minor and usually self-limited cutaneous traumas.

This indication was reevaluated as Effective with the following additional comment:

The Panel was divided in its judgment with respect to this preparation and wishes to record that three of its members, including the chairman, concur in the effective judgment provided the suggested changes in labeling are made. The remaining two members did not concur in this majority judgment.

The Panel feels that the comment of the surgery Panel on this drug ought to be given decided weight in the final determination.

PANEL ON DRUGS USED IN SURGERY

Indication: In the prevention of infection in minor burns, minor wounds and abrasions.
Evaluation: Possibly effective.
Comments: This reviewer is not aware of any substantial data indicating that the use of this combination of drugs reduces the likelihood of infection in minor burns, wounds, or abrasions. The vast majority of such wounds heal well with adequate cleansing, dressing, and wound care, and it seems unlikely that this preparation offers any advantages over this form of therapy. While the dangers of sensitization or production of resistant strains seems small, there is the possibility that patients will neglect the proper care of these wounds should they come to rely on preparations such as this.

5. Terramycin Topical Powder with Polymyxin B Sulfate containing oxytetracycline hydrochloride and polymyxin B sulfate.

Indication: For the prevention of infection in minor cuts, scratches and abrasions.
Evaluation: Effective, but * * *.
Comments: Use in burns may promote a more serious secondary infection caused by the overgrowth of nonsusceptible pathogens such as pseudomonas. The Panel, therefore, feels this indication should be deleted.

The Panel feels that there are no well controlled studies to support the prophylactic use of topical antimicrobial agents in minor and usually self-limited cutaneous traumas.

6. Tetracycline hydrochloride ointment; Day-Baldwin, Inc.

Indication: To help prevent infection in minor cuts, burns, and abrasions.
Evaluation: Effective, but * * *.
Comments: Use in burns may promote a more serious secondary infection caused by the overgrowth of nonsusceptible pathogens such as pseudomonas. The Panel, therefore, feels this indication should be deleted.

The Panel feels that there are no well controlled studies to support the prophylactic use of topical antimicrobial agents in minor and usually self-limited cutaneous traumas.

Indication: As an aid to healing.
Evaluation: Possibly effective.
Comments: There is no evidence that the use of this product increases healing over other methods of therapy.

General comments. Though Fisher states that parabens are nonirritating up to 5 percent in methylparaben and up to 12 percent in propylparaben, a warning should appear in the insert about the possibility of cutaneous paraben sensitivity.

7. Achromycin Ointment containing tetracycline hydrochloride.

Indication: Indicated for the treatment of superficial pyogenic infections of the skin.

Evaluation: Possibly effective.

Comments: The Panel feels that pyogenic skin infections are best treated by the appropriate systemic antibiotic because tetracycline is bacteriostatic and is not effective against nearly all strains of proteus vulgaris, pseudomonas aeruginosa and some strains of staphylococci.

Some people are concerned about the incidence of nephrogenic streptococci in pyodermas and their possible resistance to topical therapy.

Indication: For the prevention of infections in wounds, abrasions, and after surgery.

Evaluation: Possibly effective.

Comments: There is no evidence that the product is an effective prophylactic agent against infection in these conditions.

8. Aureomycin Ointment containing chlortetracycline hydrochloride.

Indication: Indicated for the treatment of superficial pyogenic infections of the skin.

Evaluation: Possibly effective.

Comments: The Panel feels that pyogenic skin infections are best treated by the appropriate systemic antibiotic because tetracycline is bacteriostatic and is not effective aaginst nearly all strains of proteus vulgaris, pseudomonas aeruginosa and some strains of staphylococci.

Some people are concerned about the incidence of nephrogenic streptococci in pyodermas and their possible resistance to topical therapy.

Indication: For the prevention of infections in wounds, abrasions, and after surgery.

Evaluation: Possibly effective.

Comments: There is no evidence that the product is an effective prophylactic agent against infection in these conditions.

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 50165, 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, 507, 52 Stat. 1050–51, as amended: 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 10, 1972.

SAM D. FINE,
Associate Commissioner, for Compliance.

[FR Doc.72-7806 Filed 5-23-72;8:46 am]

Office of Education

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, EVALUATION, AND MANAGEMENT, ET AL.

Statement of Organization, Functions and Delegations of Authority

Part 2 (Office of Education) section 2–B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Deputy Commissioner for Management, is hereby amended to read as follows:

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, EVALUATION, AND MANAGEMENT

The Deputy Commissioner for Planning, Evaluation, and Management plans, directs, and coordinates the activities of all segments of the Office having to do with program planning and evaluation; management planning and evaluation; administrative and business management; and regional office coordination.

OFFICE OF BUSINESS MANAGEMENT

The Office of Business Management plans, directs, and coordinates financial management, contracts and grants management, and audit management programs of the Office of Education; performs the audit liaison and coordination functions within OE which includes both internal and external liaison for the purpose of resolving audit matters.

Finance Division.—Plans, develops, and executes an integrated system of financial policy, procedure, and standards for operations; operates a central system of transaction accounting, reporting, and certification of the availability of funds.

Contracts and Grants Division.—Provides contract management policy and procedure and directs the negotiation and administration of contracts and grants awarded by all components of the Office of Education; inventories, maintains accountability, and manages utilization of Government property held by contractors/grantees.

OFFICE OF ADMINISTRATION

The Office of Administration plans, directs, and coordinates personnel management and data processing programs of the Office of Education and provides a broad variety of administrative services.

Personnel and Training Division.—Provides personnel management policy and procedure and interpretation of Civil Service Commission and departmental personnel standards for all elements of the Office of Education. Services rendered include: Position classification; employment and placement screening and referral; employee relations and services; personnel action processing and records maintenance; and employee development and training.

Automatic Data Processing Division.—Provides ADP systems analysis, programing services, and computer operations support for the Office of Education.

General Services Division.—Performs administrative services in areas such as mail, procurement, property, office space, equipment, and printing internal to the Office of Education.

OFFICE OF MANAGEMENT PLANNING AND EVALUATION

The Office of Management Planning and Evaluation develops policies, plans, and goals for organizational structure, management systems and manpower allocation and utilization; conducts management studies and analysis, coordinates development of management information systems and data processing systems related thereto; and evaluates and reports on the overall effectiveness of Office of Education organization and management.

Systems Planning and Control Division.—Analyzes requirements for and develops manual and automated systems in support of administrative and management programs applicable to all organizational components of the Office of Education. Operates an automated management information system which provides decisionmaking officials with current data on the status of Office of Education programs.

Management Evaluation Division.—Conducts studies to evaluate the effectiveness of OE organization and management and implements resultant systems and procedures. Develops policy, plans, and goals for organizational structure and staffing and monitors allocation of positions and manpower utilization. Responsible for delegations of authority; the employee suggestion awards system; issuance management; correspondence and records management; and the management improvement system.

OFFICE OF REGIONAL OFFICE COORDINATION

The Office of Regional Office Coordination coordinates the regionalization of OE programs and serves as an arm of the Commissioner in the administration of regional offices. It provides administrative supervision, direction, and coordination of the field organization, insures adherence to general OE policy, coordinates headquarters and field activities and overall management of field resources through the 10 Regional Commissioners. Maintains an overview of regional operations and brings to the attention of appropriate bureau or staff office heads those problems affecting the latter's program operations. Administers the Office of Education Model Cities program. Participates on a continuing basis with the heads of bureaus and staff offices in evaluating the overall progress and effectiveness of regional operations and administration.

OFFICE OF PROGRAM PLANNING AND EVALUATION

The Office of Program Planning and Evaluation plans and evaluates overall Office programs and provides guidance and coordination for bureau and staff office program planning and evaluation. Prepares special studies necessary for the

planning of educational policies and provides advice on formulation of Office policies, legislative proposals, and types of information to be collected to evaluate effect of Federal educational programs.

Budget Division.—Establishes policies and procedures governing budget preparation, presentation, and execution for the Office of Education. Directs the preparation, presentation, and execution of the OE budget.

Division of Elementary and Secondary Programs.—In connection with those Office programs dealing with the elementary and secondary level of education, provides planning and programing support for Office, staff office, and bureau missions. Administers programing phases of the Office planning-programing-budgeting system, and assists bureau and staff offices in developing their parts of the office 5-year program and financial plan.

Division of Program Support.—Provides in-depth technical aid to the planning and evaluation activities of the Division of Elementary and Secondary Programs and the Division of Post-Secondary and Special Education Program and, as required, to the planning and evaluation activities of bureaus and staff offices. Designs and develops analytic models in support of planning and evaluation functions. Consults on and takes a leading part in the development and formulation of program evaluation systems.

Division of Post-Secondary and Special Education Programs.—Provides planning and programing support for Office, staff office, and bureau missions in connection with those Office programs dealing with the post-secondary level of education and with special education. Administers programing phases of the Office planning-programing-budgeting system, and assists bureau and staff offices in developing their parts of the Office 5-year program and financial plan.

Dated: May 17, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.72-7826 Filed 5-23-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-329A, 50-330A]

CONSUMERS POWER CO.

Order Staying Further Proceedings, Including Prehearing Conference

In the matter of Consumers Power Co. (Midland Plant, Units 1 and 2), Docket No. 50-329A, 50-330A.

Applicant, in its motion for a stay of further proceedings, including the scheduled prehearing conference, argues that until the question of the qualifications of Board member Dr. Leonard W. Weiss is resolved, this proceeding will be clouded by uncertainty.

Without ruling on the merits of Dr. Weiss' qualifications in this matter, the Board concludes that the public interest will best be served if the proceedings, including the scheduled prehearing conference, are stayed until the issue of Dr. Weiss' qualifications to sit as a member of this Board is resolved by the Atomic Energy Commission. This decision on our part does not affect the rights of the Department of Justice and the Regulatory Staff to file responses to the Applicant's Answer to the Notice of Antitrust Hearing (dated April 11, 1972).

Wherefore, it is ordered, And directed that the prehearing conference scheduled for May 25, 1972, at 10 a.m., local time, in Washington, D.C., be canceled, and that further proceedings in this case be stayed until such time as the question of the qualifications of Dr. Weiss be resolved.

Issued: May 22, 1972, at Washington, D.C.

By order of the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72-8003 Filed 5-23-72;11:20 am]

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Notice of Issuance of Amended Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 2 to Provisional Operating License No. DR-15 dated March 4, 1969. The license as previously issued authorized the General Electric Co. and Southwest Atomic Energy Associates (SAEA) to possess and operate the Southwest Experimental Fast Oxide Reactor (SEFOR) in Cove Creek Township, Washington County, Ark. The amendment authorizes General Electric and SAEA to possess, but not to operate, the deactivated facility and incorporates revised Technical Specifications in the amended license.

SEFOR has been shut down and further operations are not planned. The fuel has been unloaded and is stored in the Irradiated Fuel Storage Tank (IFST). The cooling and criticality requirements of the IFST have been previously reviewed by the Commission. Continued surveillance of the facility will be maintained.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the "Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of this amended license is not required since the amendment does not present significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amended facility license, see (1) the application dated March 10, 1972, and supplement dated March 22, 1972, and (2) the amended facility license (including the Technical Specifications), all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of item 2 may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 12th day of May 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-7829 Filed 5-23-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24436]

BAHAMAS WORLD AIRLINES LTD.

Notice of Postponement of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit and Charter Service

Pursuant to the request of Bureau Counsel, notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding has been postponed from June 12, 1972, to June 20, 1972, at 10 a.m., local time, in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, DC, before Examiner Thomas P. Sheehan.

As provided in the original notice, the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reasons for postponement on or before June 5, 1972.

Dated at Washington, D.C., May 18, 1972.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[FR Doc.72-7844 Filed 5-23-72;8:48 am]

[Docket No. 23190]

SPECIAL SERVICE SCHOOL TEACHERS GROUP, INC., ET AL.

Notice of Hearing Regarding Enforcement Proceeding

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 26, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Henry Whitehouse.

Dated at Washington, D.C., May 18, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-7845 Filed 5-23-72;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. CP61-92]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MAY 16, 1972.

Take notice that on May 3, 1972, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP61-92 a petition to amend the order of the Commission issued in said docket on January 11, 1965 (33 FPC 34), as amended June 2, 1965 (33 FPC 1159), February 4, 1966 (35 FPC 185), August 3, 1966 (36 FPC 368), and September 27, 1971 (46 FPC ——) pursuant to section 7(c) of the Natural Gas Act by authorizing the construction and operation of certain natural gas facilities and the delivery of natural gas on an exchange basis, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of January 11, 1965, as amended, Petitioner was authorized to construct and operate certain natural gas facilities and to deliver natural gas to Northern Natural Gas Co. (Northern), on an exchange basis, at certain designated points in Ochiltree County, Tex. Petitioner states that it now has additional quantities of gas available for exchange with Northern from the recently completed Burk Royalty-Handley No. 1-C and Cotton Petroleum-Urban No. 1 wells located in Ochiltree County, Tex. Petitioner states that Northern and it have agreed to include the deliveries from these wells under its Rate Schedule Z-1, which presently covers the originally authorized exchanges.

In order to effectuate the addition of these wells, Petitioner seeks authorization to construct and operate a tap and metering equipment to connect the Burk Royalty-Handley No. 1-C well and approximately 1.25 miles of 4½-inch o.d. pipeline and wellhead and metering equipment to connect the Cotton Petroleum-Urban No. 1 well with Northern's existing gathering system in Ochiltree County, Tex. Petitioner estimates that total reserves of 2.7 million Mcf of gas will be recoverable from these additional wells.

Petitioner states that the total cost of the facilities proposed is $48,900, which will be financed from current working funds.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-7834 Filed 5-23-72;8:48 am]

[Docket No. RP72-119]

McCULLOCH INTERSTATE GAS CORP.

Notice of Proposed Changes in Rates and Charges

MAY 16, 1972.

Take notice that McCulloch Interstate Gas Corp. (McCulloch Interstate) on May 1, 1972, tendered for filing proposed changes in its FPC Rate Schedule PL-1. The proposed changes would increase its presently effective PL-1 rates by 2.69¢ per Mcf in order to provide an annual estimated increase in revenues for jurisdictional sales and service of $588,930. McCulloch Interstate proposes this increase to cover increases in the cost of transporting gas through its facilities to Colorado Interstate Gas Co., and to insure a reasonable rate of return. This rate request will be applicable to sales of gas in the Montana-Wyoming area (Powder River Basin). Copies of this filing have been served on the company's customers. The proposed effective date is June 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-7835 Filed 5-23-72;8:48 am]

[Docket No. E-7728]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

MAY 16, 1972.

Take notice that on May 8, 1972, Northwestern Public Service Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of promissory notes to evidence $2 million of new short-term borrowings (in addition to $6 million of short-term notes presently outstanding) and to renew or extend the $2 million of the presently outstanding notes which mature before August 31, 1972. (The remaining $4 million of the presently outstanding notes mature at later dates and the application does not seek authority to extend or renew those notes.)

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business as a foreign corporation in the States of South Dakota and North Dakota, and as a domesticated corporation in the State of Nebraska. The notes proposed to be issued pursuant to this application will be short-term promissory notes which will be issued to commercial banks. The notes for the new borrowing of not to exceed $2 million will bear interest at the prime commercial rate of the Chase Manhattan Bank as it is in effect from time to time during the term of such notes, and such notes will be issued on or before August 31, 1972, as needed for Applicant's 1972 construction program, with maturity dates of less than 1 year from the date of issue. The renewal or extension of the $2 million of the presently outstanding notes will be made when these notes mature (i.e., $1 million on June 9, 1972, and $1 million on August 21, 1972); the extended maturity date will be less than 1 year thereafter; and such notes will bear interest at a rate not to exceed one-quarter of 1 percent above the prime commercial rate of the Chase Manhattan Bank as it is in effect from time to time during the extended terms.

The net proceeds from the issuance of the additional notes will be used, together with other funds of the applicant, for construction, extension and improvement of facilities. Applicant's construction program for 1972 totals approximately $12,260,000, of which approximately $8 million is for expenditures in 1972 in connection with construction of a large electric generating plant near Big

Stone City, S. Dak., which is jointly owned by applicant and two other utilities; $835,000 is for major electric transmission lines; $682,000 for major electric substations; $1,531,000 for routine extensions and additions to electric system; $930,000 for routine extensions and additions to natural gas distribution systems; and $282,000 for miscellaneous and general items.

The $2 million of short-term notes to be renewed or extended are part of a total of $6 million presently outstanding, the proceeds from which were used to finance a portion of applicant's 1970 and 1971 construction programs which totaled approximately $12,130,000.

Any person desiring to be heard or to make any protest with reference to this application should on or before the 24th day of May 1972 file with the Federal Power Commission, Washington, D.C. 20426, petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceedings. Persons wishing to become parties to the proceedings or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-7836 Filed 5-23-72;8:48 am]

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[Docket No. CP72-257]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

MAY 16, 1972.

Take notice that on May 5, 1972, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP72-257 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compressor and appurtenant facilities on its west-end pipeline systems connecting Texas, Kansas, and Oklahoma production areas to its mainline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install additional compressor horsepower as follows:

Station	Location	Proposed horsepower
Adams-High	Texas County, Okla.	1,400
Cabot Forgan	Beaver County, Okla.	1,400
Hemphill-Seiling	Dewey County, Okla.	1,000
McAtee	Stevens County, Kans.	2,000
Hugoton	Stevens County, Kans.	4,000
Ulysses	Grant County, Kans.	1,000
Ward	Morton County, Kans.	2,000
Unspecified	Various locations	6,550

Applicant states that the subject facilities would be installed to offset the decline in reservoir pressure in depletion-type dry gas fields, to maintain deliverability from such areas, and to assist in balancing underproduction with overproduction conditions in prorated fields. The facilities would be installed on pipeline systems connecting older gas fields which have been delivering gas into applicant's system for many years. Applicant states that the ability of these fields to produce necessary gas volumes against existing system pressures has declined significantly and that the acquisition of new gas supplies has not kept pace with Applicant's requirements, thereby placing a heavy peak-day demand on the older fields. Applicant estimates that in the absence of the installation of the proposed facilities there will be an average shortage of available gas supplies to its mainline system west of the Haven, Kans., Compressor Station of approximately 90,000 Mcf per day for the 1972–73 heating season.

The estimated cost of the proposed facilities is $5,948,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-7838 Filed 5-23-72;8:48 am]

UTAH POWER AND LIGHT CO.

Notice of Proposed Changes in Rates and Charges

MAY 16, 1972.

Take notice that Utah Power and Light Co. (Utah Power) on May 1, 1972, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1, Resale Service Rates.[1] The proposed changes would increase Utah Power's RS–1 and RS–2 wholesale rates by approximately 8.9 percent.

Utah Power states that it "is imperative that the Company's rates be increased if the Company is to continue to carry the responsibility of supplying electric service to the Company's customers as required under said Company's certificates and franchises, and, further to carry out this responsibility in a manner that will assure that we maintain the high level of quality and adequacy of electric supply as well as preserve the high environmental standards of the Company in its service area".

Utah Power proposes that the tariff sheets become effective July 1, 1972.

Copies of the proposed rate schedule have been mailed to Utah Power's customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-7837 Filed 5-23-72;8:48 am]

FEDERAL RESERVE SYSTEM

FIDELITY CORPORATION OF PENNSYLVANIA

Proposed Acquisition of Local Finance Corp.

Fidelity Corporation of Pennsylvania, Rosemont, Pa., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Local Finance Corp., Providence, R.I. Notice of the application was published on January 17, 18, 19, 20, 24, February 1, 2, or 4, 1972, in newspapers generally circulated in each of the 66

[1] Volume No. 1: Eighth Revised Sheet No. 1, First Revised Sheet No. 3, First Revised Sheet No. 4, First Revised Sheet No. 5.

locations at which Local Finance Corp. or its subsidiaries maintain offices in Rhode Island, Massachusetts, New Jersey, North Carolina, and Pennsylvania.

Applicant states that the proposed subsidiary would engage in the activities of making loans to individuals for personal, family, or household purposes and second mortgage loans, where legally permitted, and generally engaging in the business of a consumer finance company; selling credit life, health, and accident insurance to such borrowers and casualty insurance on collateral securing such loans; and, through Master Life Insurance Co., a subsidiary of Local Finance Corp., reinsuring such credit life, health, and accident insurance sold. Such activities, with the exception of the reinsurance activities of Master Life Insurance Co., have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested person may express their views as to whether the proposed reinsurance activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto. In considering this application, the Board will take into account the record of its March 24, 1972, hearing on six other applications by other applicants involving the underwriting of credit life, health, and accident insurance.

Interested persons may also express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 16, 1972.

Board of Governors of the Federal Reserve System, May 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-7800 Filed 5-23-72;8:45 am]

FIRST AMERICAN BANCSHARES, INC.

Acquisition of Banks; Amended Applications

In the FEDERAL REGISTER of May 11, 1972 (37 F.R. 9509), the Board of Governors published notice of receipt of the applications of American Bancshares, Inc., St. Joseph, Mo., to acquire voting shares of four banks in Missouri.

American Bancshares, Inc., has filed an amendment to its applications indicating that on February 17, 1972, its articles of incorporation were amended changing its name to First American Bancshares, Inc., St. Joseph, Mo. 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 18, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-7799 Filed 5-23-72;8:45 am]

[Regs. G, T, U]

OTC MARGIN STOCKS

List

In accordance with § 207.2(f) of Regulation G, "Securities Credit by Persons other than Banks, Brokers, or Dealers," and § 220.2(e) of Regulation T, "Credit by Brokers and Dealers," and § 221.3(d) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks," there is set forth below the list of stocks traded over the counter, current as of May 15, 1972, that the Board of Governors has determined (in accordance with the criteria set forth in the supplements to those regulations) to have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer, and the character and permanence of the issuer to warrant subjecting such stock to the requirements of such regulations.

Stocks appearing on the list have not been approved, in any way, by the Board and representation by any person that their appearance on the list indicates approval by the Board or is based on approval by any Government agency is unlawful.

Board of Governors of the Federal Reserve System acting by its Director of the Division of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), April 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

Aits, Inc., $0.10 par common.
AVM Corp., $1 par common.
Acushnet Co., common.
Addison-Wesley Publishing Co., Inc., Class B, no par common.
Advance Ross Corp., $0.10 par common.
Alexander & Alexander, Inc., no par common.
Alexander & Baldwin, Inc., no par common.
Allegheny Beverage Corp., $1 par common.
Allied Telephone Co., $2 par common.
Allyn and Bacon, Inc., $0.50 par common.
Alpex Computer Corp., $0.10 par common.
Alphanumeric, Inc., $0.03⅓ par common.
Alpine Geophysical Associates, Inc., $0.10 par common.
Amarex, Inc., $1 par common.
American Beef Packers, Inc., $1 par common.
American Bioculture, Inc., $0.02 par common.
American Electronic Laboratories, Inc., Class A, $1 par common.
American Express Co., $1.66⅔ par common, $1.50 convertible preferred.
American Financial Corp., no par common.
America Furniture Co., Inc., $1 par common.
American Greetings Corp., Class A, $1 par common.
American Micro-Systems, Inc., $1 par common.
American Nuclear Corp., $0.04 par common.
American Television and Communications Corp., $0.75 par common.
American Welding & Manufacturing Company, The, no par common.
Anadite, Inc., no par common.
Anheuser-Busch, Inc., $1 par common.
Anixter Brothers, Inc., $1 par common.
Applebaums' Food Markets, Inc., $1 par common.
Arden-Mayfair, Inc., $1 par common.
Arkansas-Missouri Power Co., $2.50 par common.
Arkansas Western Gas Co., $2.50 par common.
Arrow-Hart, Inc., $10 par common.
Arvida Corp., $1 par common.
Associated Coca-Cola Bottling Co., Inc., $0.50 par common.
Associated Truck Lines, Inc., Class A, $3 par common.
Atlanta Gas Light Co., $5 par common.
Baird-Atomic, Inc., $1 par common.
Bandag, Inc., $1 par common.
Bangor Hydro-Electric Co., $5 par common.
Bank Building & Equipment Corporation of America, $1.33⅓ par common.
Barber-Greene Co., $5 par common.
Barden Corp., The, $1 par common.
Barnes-Hind Pharmaceuticals, Inc., no par common.
Bassett Furniture Industries, Inc., $5 par common.
Beeline Fashions, Inc., no par common.
Betz Laboratories, Inc., $0.10 par common.
Bibb Co., The, no par common.
Black Hills Power and Light Co., $1 par common.
Bonanza International, Inc., no par common.
Booz, Allen & Hamilton, Inc., $0.25 par common.
Brenco, Inc., $1 par common.
Brush Wellman, Inc., $1 par common.
Buckbee Mears Co., $0.10 par common.
Buckeye International, Inc., no par common, $5 stated value.
Burnup & Sims, Inc., $0.10 par common.
Butler Manufacturing Co., no par common.
Campbell Taggart, Inc., $1 par common.
Carolina Caribbean Corp., $0.83⅓ par common.
Cascade Natural Gas Corp., $1 par common.
Cavanagh Communities Corp., $0.01 par common.
Central Vermont Public Service Corp., $6 par common.
Chance, A. B., Co., $2.50 par common.
Chemical Leaman Tank Lines, Inc., $2.50 par common.
Chesapeake Instrument Corp., $1 par common.
Chicago Bridge & Iron Co., $6.66⅔ par common.
Church's Fried Chicken, Inc., $0.16⅔ par common.
Citizens Utilities Co., Series A, $1 par common, Series B, $1 par common.
Clark, J. L. Manufacturing Co., $1 par common.
Clevepak Corp., $1 par common.
Clinton Oil Co., $0.03 par common.
Clow Corp., $6.25 par common.
Coca-Cola Bottling Co. of Los Angeles, no par common.
Cogar Corp., $0.60 par common.
Cognitronics Corp., $0.20 par common.
Commonwealth Telephone Co., $6.66⅔ par common.

Computer Communications, Inc., $1 par common.
Computer Usage Co., $0.25 par common.
Comress, Inc., $0.05 par common.
Conagra, Inc., $5 par common.
Contran Corp., $1 par common.
Cornelius Co., The, $0.20 par common.
Cousins Properties, Inc., $1 par common.
Cross Co., The, $5 par common.
Crutcher Resources Corp., $1 par common.
Cypress Communications Corp., $1 par common.
Damson Oil Corp., $0.40 par common.
Daniel International Corp., $2 par common.
Dart Drug Corp., Class A, $1 par common.
Dasa Corp., $1 par common.
Data General Corp., $0.01 par common.
Data Packaging Corp., $0.10 par common.
Decorator Industries, Inc., no par common.
Dekalb Agresearch, Inc., Class B, no par common.
Delhi International Oil Corp., $0.10 par common.
Deluxe Check Printers, Inc., $1 par common.
Detrex Chemical Industries, Inc., $2 par common.
Diamond Crystal Salt Co., $2.50 par common.
Disc Inc., $1 par common.
Donaldson Co., Inc., $5 par common.
Dorchester Gas Corp., $0.10 par common.
Dow Jones & Co., Inc., $1 par common.
Downe Communications, Inc., $1 par common.
Downtowner Corp., The, $1 par common.
Doyle Dane Bernbach, Inc., $0.50 par common.
Dunkin' Donuts, Inc., $1 par common.
Duriron Co., Inc., The, $1.25 par common.
Economics Laboratory, Inc., common.
Educational Development Corp., $0.20 par common.
El Paso Electric Co., no par common.
Elba Systems Corp., no par common.
Electro-Nucleonics, Inc., $0.02½ par common.
Energy Conversion Devices, Inc., $0.01 par common.
Energy Resources Corp., $1 par common.
Equity Oil Co., $1 par common.
Erie Technological Products, Inc., $2.50 par common.
Fabri-Tek, Inc., $0.10 par common.
Fair Lanes, Inc., $1 par common.
First Western Financial Corp., $1 par common.
Flickinger, S. M. Co., Inc., $2.50 par common.
Florida Telephone Corp., $2.50 par common.
Fotomat Corp., $0.10 par common.
Forest Oil Corp., $1 par common.
Foster Grant Co., Inc., common.
Fotomat Corp., $0.01 par common.
Friendly Ice Cream Corp., $1 par common.
Frigitronics, Inc., $0.10 par common.
Garfinckel, Brooks Bros., Miller & Rhoads, Inc., $0.50 par common.
Gates Learjet Corp., $1 par common.
Gelman Instrument Co., $0.10 par common.
General Aircraft Corp., $1 par common.
General Health Services, Inc., $1 par common.
General United Group, Inc., $0.25 par common.
Giffen Industries, Inc., $1 par common.
Gilford Instrument Laboratories, Inc., no par common.
Gleason Works, common.
Golden Cycle Corp., The, no par common.
Graham Magnetics, Inc., $0.10 par common.
Graphic Controls Corp., $1 par common.
Graphic Sciences, Inc., $0.50 par common.
Great Southwest Corp., $0.10 par common.
Green Mountain Power Corp., $3.33⅓ par common.
Grey Advertising, Inc., $1 par common.
GRT Corp., no par common.
Gyrodyne Company of America, Inc., $1 par common.
Hardee's Food Systems, Inc., no par common.
Havatampa Cigar Corp., $7.50 par common.
Haven Industries, Inc., $0.01 par common.
Hawthorne Financial Corp., $1 par capital.
Heath Tecna Corp., no par common.
Hexcel Corp., $1 par common.
Hoover Co., The, $2.50 par common.
Hughes Supply, Inc., $2 par common.
Hyatt Corp., $0.50 par common.
Hyster Co., $0.50 par common.
ISI Corp., no par common.
Imperial Industries, Inc., $0.10 par common.
Indianapolis Water Co., $7.50 par common.
Industrial Nucleonics Corp., no par common.
Informatics, Inc., $0.10 par common.
Inland Container Corp., Class A, no par common.
International Bank (Washington, D.C.), Class A, $1 par common.
International Textbook Co. (Intext), no par common.
Interway Corp., $1 par common.
Ionics, Inc., $1 par common.
Iowa Southern Utilities Co., $10 par common.
Jamesbury Corp., $1 par common.
Joslyn Manufacturing and Supply Co., $1.25 par common.
KDI Corp., $0.35 par common.
KMS Industries, Inc., $0.01 par common.
Kaiser Steel Corp., $0.66⅔ par common.
Kalvar Corp., $0.02 par capital.
Kaman Corp., Class A, $1 par common.
Kearney & Trecker Corp., $2 par common.
Keene Corp., $0.10 par common.
Kellwood Co., no par common.
Kelly Services, Inc., $1 par common
Keyes Fibre Co., $1 par common.
Keystone Custodian Funds, Inc., Class A, nonvoting, no par common.
King Resources Co., $1 par common.
Knape & Vogt Manufacturing Co., $2 par common.
Kuhlman Corp., $1 par common.
Ladd Petroleum Corp., $0.10 par common.
Lance, Inc., $2.50 par common.
Lee Way Motor Freight, Inc., $1 par common.
Lehigh Coal and Navigation Co., The $1 par common.
Leisure Group, Inc., The, no par common.
Liberty Homes, Inc., $1 par common.
Lin Broadcasting Corp., $2 par common.
Lowe's Cos., Inc., $0.50 par common.
Madison Gas and Electric Co., $8 par common.
Major Realty Corp., $0.01 par common.
Mallinckrodt Chemical Works, Class A, nonvoting, $3.33⅓ par common.
Management Assistance, Inc., $0.10 par common.
Maui Land & Pineapple Co., Inc., no par common.
Medic-Home Enterprises, Inc., $0.10 par common.
Medicenters of America, Inc., $1 par common.
Medtronic, Inc., $0.10 par common.
Millipore Corp., $0.33⅓ par common.
Minnesota Fabrics, Inc., $0.05 par common.
Mogul Corp., The, no par common.
Monterey Life Systems, Inc., $0.10 par common.
Moore, Samuel and Co., Inc., no par common.
Morrison-Knudsen Co., Inc., $10 par common.
Motor Club of America, $0.50 par common.
National Liberty Corp., $1 par common.
National Patent Development Corp., Class A, $0.01 par common.
National Student Marketing Corp., $1 par common.
New England Gas and Electric Association, $4 par common.
New Jersey Natural Gas Co., $5 par common.
Nicholson File Co., $1 par common.
Nielsen, A. C. Co., Class A, $1 par common. Class B, $1 par common.
North Carolina Natural Gas Corp., $2.50 par common.
North Central Airlines, Inc., $0.20 par common.
Northwest Natural Gas Co., $3⅓ par common.
Northwestern Public Service Co., $7 par common.
Noxell Corp., Class B, nonvoting, $1 par common.
Ocean Drilling & Exploration Co., $0.50 par
Oil Shale Corp., The, $0.15 par common.
Ohio Art Corp., The, $1 par common.
Oil Shale Corp., The, $0.15 par common.
Omega-Alpha, Inc., $1 par common.
Ormont Drug & Chemical Co., Inc., $0.10 par
Pan Ocean Oil Corp., $0.01 par common.
Otter Tail Power Co., $5 par common.
Overseas National Airways, Inc., $1 par common.
Ozite Corp., $1 par common.
PVO International, Inc., $5 par common.
Pabst Brewing Co., no par common.
Pacific Resources, Inc., no par common.
Palo Alto-Salinas Savings and Loan Association, no par capital.
Pan Ocean Oil Corp., $.01 par common.
Parker Drilling Co., $1 par common.
Parkviek-Gem, Inc., $1 par common.
Pauley Petroleum, Inc., $1 par common.
Pavelle Corp., The, $0.10 par common.
Pay'n Save Corp., no par common.
Pennsylvania Gas and Water Co., no par common, $10 stated value.
Peterson, Howell & Heather, Inc., no par common.
Pettibone Corp., $10 par common.
Photon, Inc., $1 par common.
Piedmont Aviation, Inc., $1 par common.
Pizza Hut, Inc., $0.01 par common.
Pope & Talbot, Inc., $2 par common.
Popeil Brothers, Inc., $0.40 par common.
Professional Golf Co., $0.50 par common.
Progressive Corp., The, $1 par common.
Public Service Co. of New Mexico, $5 par common.
Public Service Co. of North Carolina, Inc., $1 par common.
Publishers Co., Inc., $0.40 par common.
Quality Courts Motels, Inc., $1 par common.
Raychem Corp., no par common.
Raygo, Inc., $0.05 par common.
Recognition Equipment, Inc., $0.25 par common.
Reece Corp., The, $1 par common.
Regency Electronics, Inc., no par common.
Reid-Provident Laboratories, Inc., $1 par common.
Reynolds & Reynolds Co., The, Class A, $2.50 par common.
Rival Manufacturing Co., common.
Roadway Express, Inc., no par common.
Rouse Co., The, $0.01 par common.
Russell Stover Candies, Inc., $1 par common.
Saga Administrative Corp., $1 par common.
Samsonite Corp., no par common.
Saul, B. F., Real Estate Investment Trust, shares of Beneficial Interest, ($10 par value).
Scientific Control Corp., $0.20 par common.
Scope, Inc., $1 par common.
Scripto, Inc., $0.50 par common.
Sea World, Inc., $0.50 par common.
Seismic Computing Corp., $0.10 par common.
Sensormatic Electronics Corp., $0.01 par common.
Seven-Up Co., The, $1 par common.
Shareholders Capital Corp., $0.50 par common.
Shop Rite Foods, Inc., $3.33⅓ par common.
Simon & Schuster, Inc., $0.50 par common.
Smithfield Foods, Inc., $1 par common.
Smith's Transfer Corp., $2.50 par common.
Southern Industries Corp., no par common.
Southern New England Telephone Co., The, $25 par common.
Southland Corp., The, $0.01 par common.
Southwest Gas Corp., $1 par common.
Southwest Gas Producing Co., Inc., $1 par common.
Soverign Industries, Inc., $0.04 par common.
Spang Industries, Inc., $1 par common.
Standard Register Co., The, $0.50 par common.
Stirling Homex Corp., $0.01 par common.
Subscription Television, Inc., $0.10 par common.

Sugardale Foods, Inc., no par common.
Superior Electric Co., The, $1 par common.
Synercon Corp., $1 par common.
TDA Industries, Inc., $0.10 par common.
T.I.M.E.-DC, Inc., $2 par common.
Tally Corp., $0.16⅔ par common.
Tampax, Inc., $1 par common.
Tassaway, Inc., Class A, $0.10 par common.
Taylor Wine Co., Inc., The, $2 par common.
Telecor, Inc., $0.50 par common.
Telecredit, Inc., $0.01 par common.
Texas American Oil Corp., $0.10 par common.
Texas International Airlines, Inc., $2 par common.
Tiffany & Co., $1 par common.
Titan Group., Inc., $1 par common.
Tracor, Inc., common.
Transcontinental Gas Pipe Line Corp., $0.50 par common.
Transocean Oil, Inc., $1 par common.
Trico Products Corp., no par common.
Trinity Industries, Inc., $1 par common.
Tyson Foods, Inc., common.
United States Banknote Corp., $1 par common.
Volume Shoe Corp., $0.50 par common.
Wagner Mining Equipment, Inc., $0.10 par common.
Warner Electric Brake & Clutch Co., $1 par common.
Washington Natural Gas Co., $5 par common.
Webb Resources, Inc., $0.10 par common.
Weeden & Co., no par common.
Wellington Management Co., Class A, $0.10 par common.
Western Gear Corp., $1 par common.
Western Publishing Co., Inc., $1 par common, $2.50 stated value.
Westgate-California Corp., Class A, $5 par common.
Westmoreland Coal Co., $5 par common.
Wetterau Foods, Inc., $1 par common.
White Shield Corp., $0.05 par common.
Winter Park Telephone Co., The, $2.50 par common.
Wisconsin Power and Light Co., $5 par common.
Wolverine-Pentronix, Inc., $1 par common.
Woodward & Lothrop, Inc., $10 par common.
Yellow Freight System, Inc., $1 par common.
Younker Bros., Inc., no par common.
Zions Utah Bancorporation, common.

BANK STOCKS

American Savings & Loan Association, $0.33⅓ par permanent reserve guarantee stock.
American Security and Trust Co., $3.33⅓ par capital.
Banco Credito y Ahorro Ponceno, $5 par common.
Bankamerica Corp., $6.25 par common.
Barnett Banks of Florida, Inc., $2 par common.
Baystate Corp., $7.50 par common.
CP Financial Corp., $1 par common.
Citizens and Southern National Bank, The (Georgia), $5 par common.
Cleveland Trust Co., The, $20 par capital.
Commercial Trust Co. of New Jersey, $5 par capital.
Continental Bank (Pennsylvania), $5 par common.
Detroit Bank and Trust Co., The, $10 par common.
Fidelity Corp. of Pennsylvania, $1 par common.
First & Merchants Corp. (Virginia), $10 par common.
First Bank System, Inc., $2.50 par capital.
First City Bancorporation of Texas, Inc., $10 par common.
First Empire State Corp., $5 par common.
First Florida Bancorporation, $1 par common.
First Jersey National Corp., $5 par common.
First Merchants National Bank (New Jersey), $2.50 par common.
First National Bank in Dallas, $10 par capital.
First National Bank of Maryland, The, $5 par capital.
First Pennsylvania Corp., $1 par common.
First Tennessee National Corp., $5 par common.
First Union, Inc., $10 par common.
First Union National Bancorp, Inc., $5 par capital.
Franklin New York Corp., common, convertible preferred.
Girard Co., The, $1 par common.
Harris Bankcorp, Inc., $16 par common.
Hawaii Bancorporation, $1 par common.
Lincoln First Banks, Inc., $10 par common.
Long Island Trust Co., $5 par common.
Manufacturers National Bank of Detroit, $10 par common.
Maryland National Corp., $5 par common.
Mellon National Bank and Trust Co., common.
Midlantic Banks, Inc., $10 par common.
Monmouth County National Bank, $1 par common-capital.
NCNB Corp., $5 par common.
National Bank of Detroit, $12.50 par common.
National City Bank of Cleveland, The, $8 par common.
New England Merchants Co., Inc., $5 par common.
New Jersey National Corp., $5 par common.
Nortrust Corp., $20 par capital.
Pittsburgh National Corp., $5 par common.
PNB Corp., $1 par common.
Provident National Corp., $1 par common.
Republic National Bank of Dallas, $6 par common-capital.
Riggs National Bank of Washington, D.C., The, $10 par common.
Seattle-First National Bank, $10 par common.
Security National Bank (Huntington, N.Y.), $5 par common.
Security Pacific National Bank, $10 par common.
Shawmut Association, Inc., $5 par common.
Southeast Banking Corp., $5 par common.
State Street Boston Financial Corp., $10 par common.
Trust Co. of New Jersey, The, $2.50 par common.
United Bancshares of Florida, Inc., $1 par common.
United Banks of Colorado, Inc., $5 par common.
United States Trust Co. of New York, $5 par capital.
United Virginia Bankshares, Inc., $10 par common.
Valley National Bank of Arizona, The, $2.50 par common.
Virginia National Bank, $5 par common.

INSURANCE STOCKS

American Bankers Insurance Co. of Florida, $2.50 par common.
American Bankers Life Assurance Co. of Florida, common.
American Family Life Assurance Co. of Columbus, $1 par common.
American Fidelity Life Insurance Co., $1 par common.
American Heritage Life Investment Corp., $1 par common.
American International Group, Inc., $5 par common.
American National Financial Corp., $1 par common.
American Re-Insurance Co., $3 par capital.
Bankers Security Life Insurance Society, $1 par common.
Beneficial Standard Corp., Class A, $1 par common.
BMA Corp., $2 par common.
California-Western States Life Insurance Co., $2.50 par common-capital.
Chubb Corp., The, $1 par common.
Coastal States Life Insurance Co., The, common.
College/University Corp., no par common.
Colonial Life & Accident Insurance Co., Class B, nonvoting, $1 par common.
Colonial Penn Group, Inc., $0.10 par common.
Combined Insurance Co. of America, $1 par common.
Connecticut General Insurance Corp., $2.50 par common.
Crum & Forster, $1.25 par common.
ERC Corp., $2.50 par common.
Empire General Corp., $1 par common.
Empire Life Insurance Co. of America, Class A, $1 par common.
Family Life Insurance Co., Class A, nonvoting, $1 par common.
Farmers New World Life Insurance Co., $1 par common.
Fidelity Corp. (Virginia), $1 par common.
Fidelity Union Life Insurance Co., $1 par common.
Founders Financial Corp., $1 par common.
Franklin Life Insurance Co., The, $2 par common.
George Washington Corp., $1 par common.
Georgia International Corp., $1 par common.
Globe Life and Accident Insurance Co., $1 par common.
Government Employees Insurance Co., $4 par common.
Government Employees Life Insurance Co., $1.50 par common.
Great Commonwealth Life Insurance Co., $1 par common.
Hamilton International Corp., Class A, $1 par common.
Hanover Insurance Co., The, $10 par capital.
Horace Mann Educators Corp., $1 par common.
Independent Life & Accident Insurance Co., The, nonvoting, $1 par common.
Integon Corp., $1 par common.
Interfinancial, Inc., $1 par common.
Interstate Corp., The, $1 par common.
Kemperco, Inc., $5 par common.
Kentucky Central Life Insurance Co., Class A, nonvoting, $1 par common.
Liberty National Life Insurance Co., $2 par common-capital.
Life Investors, Inc., $1 par common.
Louisiana and Southern Life Insurance Co., $1 par common.
Midwestern United Life Insurance Co., $1 par common.
Monarch Capital Corp., $1 par common.
Monumental Corp., $5 par common.
Mutual Savings Life Insurance Co., $1 par common.
NLT Corp., $5 par common.
NN Corp., $5 par common.
National Life of Florida Corp., $1 par common.
National Old Line Insurance Co., Class BB, nonvoting, $1 par common.
National Western Life Insurance Co., Class A, common.
Nationwide Corp., Class A, $2.50 par common.
Northwestern National Life Insurance Co., $1.25 par common.
Ohio Casualty Corp., $0.50 par common.
Old Line Life Insurance Co. of America, The, $1.33⅓ par common.
Peerless Insurance Co., $2.50 par common.
Pennsylvania Life Co., $0.66⅔ par common.
Philadelphia Life Insurance Co., $1 par common.
Provident Life & Accident Insurance Co., common.
Provident Life Insurance Co., $2.50 par common.
Republic National Life Insurance Co., $1 par common.
Richmond Corp., common.
Safeco Corp., $5 par common.
St. Paul Co., Inc., The., $3 par common.
Security Corp., The, $10 par common.
Security Life and Accident Co., Series A, $2 par common.
Southwestern Life Insurance Co., $2.50 par capital.

Unicoa Corp., $2.50 par common.
Union Fidelity Corp., $0.10 par common.
United Founders Life Insurance Co., $0.25 par common.
United Services Life Insurance Co., $1 par common.
Variable Annuity Life Insurance Co., The, $1 par common.
Washington National Corp., $5 par common.

[FR Doc.72-7832 Filed 5-23-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5193, 70-5194]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures and Common Stock at Competitive Bidding

MAY 18, 1972.

Notice is hereby given that the Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, has filed two declarations and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declarations, which are summarized below, for a complete statement of the proposed transactions.

In File 70-5193, Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $60 million principal amount of ------ percent Debentures, Series due March 1997. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof), will be determined by the competitive bidding. The debentures will be issued under an Indenture between Columbia and Morgan Guaranty Trust Co. of New York, trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a 19th supplemental indenture to be dated as of June 1, 1972. Columbia will not have the right to redeem any of the debentures prior to June 1, 1977, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia. The proposed debentures will be subject to a sinking fund commencing in 1977, providing for retirement of $42 million (70 percent) thereof prior to maturity.

Columbia also proposes (File 70-5194) to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 1,400,000 shares of its common stock, par value $10 per share. The price to be paid for the common stock is to be determined in the competitive bidding.

The net proceeds from the sale of the debentures and common stock will be added to the general funds of Columbia and, together with funds then available and funds to be generated from operations, will be used by Columbia to finance, among other things, part of the cost of its subsidiary companies' 1972 construction program, estimated at $250 million. It is estimated that additional long-term financing of up to $60 million will be required later in 1972 to complete this year's capital expenditures program. This additional financing, the form of which has as yet not been determined, will be the subject of a future filing or filings under the Act.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees, commissions, and expenses related to the proposed transactions is to be filed by amendment.

Notice is further given that any interested person may, not later than June 9, 1972, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declarations which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declarations or either of them, as amended or as they may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.72-7811 Filed 5-23-72;8:46 am]

[File No. 500-1]

TANGER INDUSTRIES

Order Suspending Trading

MAY 17, 1972.

The common stock, $1 par value, of Tanger Industries being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Tanger Industries being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective at 10 a.m., e.d.t., on May 18, 1972, through May 27, 1972.

By the Commission.

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

[FR Doc.72-7812 Filed 5-23-72;8:46 am]

[File No. 500-1])

TOPPER CORP.

Order Suspending Trading

MAY 17, 1972.

The common stock, $1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 19, 1972, through May 28, 1972.

By the Commission.

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

[FR Doc.72-7813 Filed 5-23-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 901; Class B]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1972, because of the effects of certain disasters damage

resulted to homes and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Bexar, Comal, Guadalupe, Caldwell, Hays, and Webb Counties, Tex., and adjacent areas suffered damage or destruction resulting from floods beginning May 10, 1972, and continuing thereafter.

Office: Small Business Administration District Office, 301 Broadway, San Antonio, TX 78205.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to November 30, 1972.

Dated: May 15, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-7815 Filed 5-23-72;8:46 am]

TARIFF COMMISSION

ELECTRON MICROSCOPES

Reports to the President

MAY 18, 1972.

The Tariff Commission today reported to the President the results of its investigation under the Trade Expansion Act of 1962 of a petition for an increase in import restrictions on electron, proton, and similar microscopes and diffraction apparatus.

The Commission found, by majority vote, that electron, proton, and similar microscopes and diffraction apparatus are not, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles. Chairman Bedell, Vice Chairman Parker, and Commissioners Moore and Young constituted the majority; Commissioner Leonard dissented in part from the finding; Commissioner Sutton did not participate in the decision.

The investigation (TEA-I-24) had been instituted in November 1971 in response to petitions that had been filed with the Commission by the Forgflo Corp., Sunbury, Pa., and the Advanced Metals Research Corp., Burlington, Mass.

The Commission's investigation was conducted under the provisions of section 301(b) of the Trade Expansion Act of 1962 and section 9 of the Educational, Scientific, and Cultural Materials Importation Act of 1966. Pursuant to the latter act, which implemented U.S. participation in the UNESCO Agreement on the Importation of Educational, Scientific, and Cultural Materials (the so-called Florence Agreement), duty-free treatment was established for certain articles (including those subject to the instant investigation) entered for the use of any nonprofit institution (whether public or private) established for educational or scientific purposes, if no instrument or apparatus of equivalent scientific value is being manufactured in the United States. Under section 9 of the act, such duty-free treatment, for purposes of the tariff adjustment provisions of the Trade Expansion Act, is to be treated as a concession granted under a trade agreement. In the instant investigation, therefore, the Commission took into account the effect of concessions made pursuant to trade-agreement legislation and pursuant to the legislation implementing the Florence Agreement.

A part of the material contained in the Commission's report to the President may not be made public since it includes information that would disclose the operations of individual firms. The Commission, therefore, is releasing to the public only those portions of the report that do not contain such information.

Copies of the public report (TC Publication 487), which contain statements of the reasons for the Commissioners' findings, will be released as soon as possible. Copies will be available upon request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-7816 Filed 5-23-72;8:47 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

SOUTH CAROLINA DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Informal Hearing

1. *Submission and description of Plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of South Carolina has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the Plan is in issue before him.

The Plan identifies the South Carolina Department of Labor as the State agency designated by the Governor of the State to administer the Plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). Under the Plan, all occupational safety and health standards and amendments thereto which have been adopted by the Secretary of Labor, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (Ship repairing, Ship building, Ship breaking, Longshoring) will, after public hearing by the South Carolina agency be adopted and enforced by that agency. The plan sets forth a timetable for this proposed adoption, a description of the enforcement program; and a description of personnel and resources.

Within the terms of 29 CFR 1902.2(b), the plan appears to be developmental in the following general areas: Occupational safety and health standards, merit personnel system for State and local government employees who will implement the plan, safety and health programs for public employees, employer technical assistance program, management information system, and compliance program for agriculture.

A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room 1162, 1726 M Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street NE., Atlanta, GA 30309; Commissioner of Labor, 1710 Gervais Street, Columbia, SC.

2. *Public participation.* Interested persons are hereby given 30 days from the date of this publication in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of State Programs, Room 1162, 1726 M Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

In view of the wide public interest which is anticipated in the proposal, notice is also given under 29 CFR 1902.11(e) of an informal hearing to be held July 10, 1972, commencing at 1 p.m., e.d.t., at Peoples Auditorium, S.C. State Board of Health, J. Marion Sims Building, 2600 Bull Street, Columbia, SC. Interested persons are invited to present oral data, views, or arguments concerning the plan and the issues presented thereby at the informal hearing.

Interested persons wishing to appear at the informal hearing shall notify in writing the Director of the Office of State Programs at the address given above. Such notice of intention to appear (original and two copies) must be filed no later than June 23, 1972. The notice must

state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time sought for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to the plan. The use of prepared statements by witnesses is encouraged.

The informal hearing will be conducted by a hearing examiner to be appointed under 5 U.S.C. 3105 to be subsequently designated for this purpose. The presiding hearing examiner is empowered to:

(1) Rule upon procedural requests, objections, and other procedural matters;

(2) Provide an opportunity for cross examination on crucial issues; and

(3) Otherwise regulate the course of the hearing.

The hearing will be reported verbatim, and transcripts will be available for inspection to any interested person on such conditions as the presiding hearing examiner may prescribe. The hearing examiner will have discretion to keep the record of the hearing open for a reasonable, stated time to receive written recommendations, and additional data, views, and arguments from any person who has participated in the oral proceeding. Promptly thereafter the complete record, consisting of the transcript of the hearing, exhibits filed during the hearing, written submissions on the proposed rules, and any posthearing presentations, shall be certified by the presiding hearing examiner to the Assistant Secretary of Labor for Occupational Safety and Health for his decision.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C., this 19th day of May 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-7926 Filed 5-23-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[MC-130135]

TRAVELTEEN TOURS, INC., SPRING VALLEY, N.Y.

Broker Application

Decision and order. At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 2d day of May 1972.

Upon consideration of the application, as amended, and the record in the above-entitled proceeding, including the report and recommended order of the examiner, the exceptions filed by protestant Metric Teen Tours, Inc., and jointly by protestants, Trails West, Inc., and Delphi Teen Tours, Inc., and applicant's reply; and

It appearing, that the examiner recommended the granting to applicant of a license to operate as a broker of passengers as substantially as described below;

It further appearing, that the evidence of record indicates that a need for service exists only insofar as service involves movements to, from, or between points in Rockland County, N.Y., and that inasmuch as several of the protestant brokers appear to be able to provide service to and from New York, N.Y., adequate to satisfy the public interest, the operations actually authorized herein should be modified slightly to reflect the service authorized below;

And it further appearing, that otherwise the pleadings raise no new or material matters of fact or law not adequately considered and properly disposed of by the examiner in his report, and are not of such nature as to require the issuance of a report discussing the evidence in the light of the pleadings;

Wherefore, and good cause appearing therefor:

We find, that the findings of the examiner should be, and they are hereby, modified to reflect the grant of authority set forth below.

We further find, that except as noted above, the evidence considered in the light of the pleadings does not warrant a result different from that reached by the examiner; and that the statements of facts, the conclusions, and the findings of the examiner, as modified herein, being proper and correct in all material respects, should be, and they are hereby, affirmed and adopted as our own; and

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 211 and 221(c) of the Interstate Commerce Act and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, and with the republication of the authority actually granted as set forth in the examiner's findings, an appropriate license will be issued.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 211 and 221 (c) of the Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission: *And provided,* That no petitions for further hearing are received within 30 days from the date of republication in the FEDERAL REGISTER, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 3, Members Bilodeau, Beddow, and Grossman.[1]

[SEAL] ROBERT L. OSWALD,
Secretary.

[1] Board Member Bilodeau dissenting to modification.

[MC-130135]

TRAVELTEEN TOURS, INC., BROKER APPLICATION (SPRING VALLEY, N.Y.)

Service authorized. Operation by applicant at Spring Valley, N.Y., as a broker of transportation by motor vehicle, in interstate or foreign commerce, of passengers (restricted to youth groups accompanied by tour directors, supervisors, or chaperones), and their baggage, in all-expense tours (1) beginning and ending at points in Rockland County, N.Y., and extending to points in the United States (including Alaska but excluding Hawaii and New York), (2) between points in Rockland County, N.Y., and La Guardia and Kennedy International Airports, New York, N.Y., restricted to the transportation of passengers and their baggage, having a prior or subsequent movement by air from or to New York, N.Y., and (3) from San Diego, Calif., New Orleans, La., and Phoenix, Ariz., to points in the United States (including Alaska but excluding Hawaii), restricted to the transportation of passengers and their baggage, having a prior movement by air from New York, N.Y., and a prior movement under part (2) of the authority described above.

[FR Doc.72-7861 Filed 5-23-72;8:49 am]

ASSIGNMENT OF HEARINGS

MAY 19, 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-C-7701, Coach Transport Rentals, Inc., Verlis W. Johnson, Laura M. Johnson, David Johnson, Daniel Johnson, Lease Driver Pool, Fleetwood Homes of Texas, Inc., Festival Homes of Texas, Inc., Broadmore Mobile Homes of Texas, Inc., and Fleetwood Enterprises, Inc.—investigation of operations and practices—now being assigned hearing July 12, 1972, MC 83835 Sub 83, Wales Transportation, Inc., now being assigned hearing July 10, 1972, MC 83835 Sub 88, Wales Transportation, Inc., now being assigned hearing July 11, 1972, MC 116073 Sub 208, Barrett Mobile Home Transport Inc., now being assigned hearing July 13, 1972, MC 119774 Sub 34, Mary Ellen Stidham, N. M. Stidham, A. E. Mankins (Inez Mankins, executrix), and James Mankins, Sr., doing business as Eagle Trucking Co., now being assigned hearing July 14, 1972, MC 135784, Gabe D. Anderson, Jr., doing business as Barge Truck Transport, now being assigned hearing July 17, 1972, Dallas, Tex, in a hearing room later to be designated.

No. MC 107295 Sub 583, Pre-Fab Transit Co., now being assigned hearing July 10, 1972, at Louisville, Ky., in a hearing room to be later designated.

No. MC 112304 Sub 51, Ace Doran Hauling & Rigging Co., now being assigned hearing July 12, 1972, at Louisville, Ky., in a hearing room to be later designated. MC 127834 Sub 69, Cherokee Hauling & Rigging, Inc., will be held with this case.

MC 113495 Sub 51, Gregory Heavy Haulers, Inc., and MC 127834 Sub 63, Cherokee Hauling & Rigging, Inc., now being assigned hearing July 17, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 115841 Sub 425, Colonial Refrigerated Transportation, Inc., now being assigned hearing July 21, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 118959 Sub 101, Jerry Lipps, Inc., now being assigned hearing July 19, 1972, at Louisville, Ky., in a hearing room to be later designated.

No. MC 118959 Sub 102, Jerry Lipps, Inc., now being assigned hearing July 11, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 118959 Sub 103, Jerry Lipps, Inc., now being assigned hearing July 20, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 129708 Sub 1, McRay Truck Line, Inc., common carrier application, now being assigned hearing July 14, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 133947 Sub 2, McCue Express, Inc., now being assigned hearing July 13, 1972 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 200 Sub 228, Riss International Corp., now assigned May 22, 1972, at Washington, D.C., hearing canceled and application dismissed.

MC 133252 Sub 2, Midwest Growers Cooperative Corp., now assigned May 22, 1972, at Washington, D.C., hearing canceled and application dismissed.

W-700 Subs 22 and 23, Coyle Lines, Inc., now being assigned prehearing conference, June 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7860 Filed 5-23-72;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 19, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42432—*General commodities from rail carrier's terminal at Kearny, N.J., to specified ports in the Far East.* Filed by Sea-Land Service, Inc. (No. 64), for itself and interested rail carriers. Rates on general commodities, from rail carrier's terminal at Kearny, N.J., to specified ports in the Far East, named in the application.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff ICC No. 72. Rates are published to become effective on June 17, 1972.

FSA No. 42433—*Sulphuric acid from Copperhill, Tenn.* Filed by M. B. Hart, Jr., agent (No. A6310), for interested rail carriers. Rates on acid, sulphuric, in tank-car loads, as described in the application, from Copperhill, Tenn., to Pensacola, Fla.

Grounds for relief—Rate relationship.

Tariff—Supplement 78 to Southern Freight Association, agent, tariff ICC S-881. Rates are published to become effective on June 22, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7859 Filed 5-23-72;8:49 am]

[Notice 15]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 19, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 617), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed May 10, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Utah Highway 138 and Interstate Highway 80 (Lake Point), over Interstate Highway 80 to junction Utah Highway 138 (Timpie Junction), and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Salt Lake City, Utah, over U.S. Highway 40 to Saltair, Utah, thence over Interstate Highway 80 to junction Utah Highway 138 (formerly U.S. Highway 40) (Lake Point), thence over Utah Highway 138 to junction Interstate Highway 80 (Timpie), thence over Interstate Highway 80 to the Utah-Nevada State Line. (Connects with Nevada route 1).

No. MC-109870 (Deviation No. 41), CONTINENTAL TRAILWAYS, INC., 300 South Broadway Avenue, Wichita, KS 67202, filed May 12, 1972. Carrier's representative: H. Van Ingelgum, 1501 South Central Avenue, Los Angeles, CA 90021. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route at follows: From Riverside, Calif., over U.S. Highway 60 to Beaumont, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Victorville, Calif., over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 395 to Riverside, Calif., thence over U.S. Highway 60 to Los Angeles, Calif., and (2) from Los Angeles, Calif., over U.S. Highway 66 to San Bernardino, Calif., thence over unnumbered highway to junction U.S. Highway 99, thence over U.S. Highway 99 to Beaumont, Calif., thence over U.S. Highway 60 via Aguila, Ariz., to Phoenix, Ariz., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7853 Filed 5-23-72;8:48 am]

[Notice 15]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 15, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by numbers.

MOTOR CARRIERS OF PROPERTY

No. MC-108835 (Deviation No. 1), HYMAN FREIGHTWAYS, INC., 2690 Prior Avenue North, St. Paul, MN 55113,

filed April 10, 1972. Carrier's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Des Moines, Iowa, over Interstate Highway 35 to Kansas City, Mo. (using U.S. Highway 69 where portions of the superhighway is incomplete), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Joseph, Mo., over U.S. Highway 71 to junction Missouri Highway 148, thence over Missouri Highway 148 to the Iowa-Missouri State line, thence over Iowa Highway 148 to Bedford, Iowa, thence over Iowa Highway 2 to Mount Ayr, Iowa, thence over U.S. Highway 169 to Afton, Iowa, thence over U.S. Highway 34 to Osceola, Iowa, thence over U.S. Highway 69 to Des Moines, Iowa, and (2) from St. Joseph, Mo., over U.S. Highway 59 to Atchison, Kans., thence over unnumbered highways via Easton and Potter, Kans., to Winchester, Kans., thence over unnumbered highway via Easton, Kans., to junction U.S. Highway 73, thence over U.S. Highway 73 to Kansas City, Mo., and return over the same routes.

No. MC–108835 (Deviation No. 2), HYMAN FREIGHTWAYS, INC., 2690 Prior Avenue North, St. Paul, MN 55113, filed April 10, 1972. Carrier's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 29 to Kansas City, Mo. (using U.S. Highways 275 and 59 where portions of the superhighway is incomplete), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Omaha, Nebr., over U.S. Highway 275 to junction U.S. Highway 34, thence over U.S. Highway 34 to Afton, Iowa, thence over U.S. Highway 169 to Mount Ayr, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 148 to junction U.S. Highway 71, thence over U.S. Highway 71 to St. Joseph, Mo., and (2) from St. Joseph, Mo., over U.S. Highway 59 to Atchison, Kans., thence over unnumbered highways via Easton and Potter, Kans., to Winchester, Kans., thence over unnumbered highway via Easton, Kans., to junction U.S. Highway 73, thence over U.S. Highway 73 to Kansas City, Mo., and return over the same routes.

No. MC–127511 (Deviation No. 1), PRATT'S DRAY & STORAGE, INC., 222 West Illinois, Spearfish, SD 57783, filed May 1, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 12 and 83, approximately 4 miles south of Selby, S. Dak., over U.S. Highway 83 to junction U.S. Highway 212, thence over U.S. Highway 212 to junction U.S. Highway 85 at or near Belle Fourche, S. Dak., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Spearfish, S. Dak., over U.S. Highway 85 to Buffalo, S. Dak., and (2) from Buffalo, S. Dak., over South Dakota Highway 20 (formerly South Dakota Highway 8) to junction U.S. Highway 12, thence over U.S. Highway 12 to Aberdeen, S. Dak., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–7854 Filed 5–23–72;8:48 am]

[Notice 40]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 19, 1972.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

APPLICATION FOR FILING WATER CARRIERS

No. W–700 (Sub-No. 22) COYLE LINES INCORPORATED, Extension—Upper Alabama River, filed April 11, 1972. Applicant: COYLE LINES INCORPORATED, Post Office Box 610, Jeffersonville, IN 47130. Applicant's representative: J. Robert Hard (same address as applicant). By application filed April 11, 1972, applicant seeks to operate as a common carrier by water, in interstate or foreign commerce by towing vessels in the performance of towage and non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, between all ports and points on the Alabama River between Selma and Montgomery.

Prehearing conference: June 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. W–700 (Sub-No. 23) COYLE LINES INCORPORATED, Extension—Intercoastal, filed May 2, 1972. Applicant: COYLE LINES INCORPORATED, Post Office Box 610, Jeffersonville, IN 47130. Applicant's representative: J. Robert Hard (same address as applicant). By application filed May 2, 1972, applicant seeks to operate as a common carrier by water, in interstate or foreign commerce by towing vessels in the performance of towage and by non-self-propelled vessels with the use of separate towing vessels in the transportation of *articles or commodities* exceeding 100 tons in weight, or 19 feet in height, or 12 feet in width or 90 feet in length, *component parts thereof, and related equipment* (1) between ports and points along the Atlantic Coast and its tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico, ports and points along the Pacific Coast and its tributary waterways, and ports and points within its existing authority; and (2) between ports and points along the Pacific Coast and its tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico and ports and points within its existing authority.

Prehearing conference: June 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11522. (Correction) (ARROW CARRIER CORPORATION—Control—RICHARD L. SHOLLENBERGER AND NELSON E. SHOLLENBERGER, a partnership, doing business as EDW. H. SHOLLENBERGER SONS), published in the May 4, 1972, issue of the FEDERAL REGISTER on pages 9076 and 9077. Prior notice should be modified to read, ARROW CARRIER CORPORATION—Control—EDW. H. SHOLLENBERGER SONS, INC., a corporation, and acquisition by SHIRLEY A. DOHERTY, PAUL S. DOHERTY, SR., and JAMES J. BUCKLEY III, of control of EDW. H. SHOLLENBERGER SONS, INC., through the transaction, and that ARROW CARRIER CORPORATION is authorized to operate only in New York, New Jersey, Pennsylvania, Delaware, and Vermont.

No. MC–F–11538. Authority sought for control and merger by SYSTEM 99, 8001 Capwell Drive, Oakland, CA 94621, of the operating rights of McLEOD TRUCKING, INC., 585 Depaoli Street, Reno, NV 89504, and for acquisition by M. D. GILARDY, L. A. DORE', JR., and E. R. PRESTON, all of 8001

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[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Capwell Drive, Oakland, CA 94621, of control of such rights through the transaction. Applicants' attorney: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, classes A and B explosives and commodities in bulk, as a *common carrier* over regular routes, between Sacramento, Calif., and Yerington, Nev., serving certain intermediate and off-route points; and Meyers, Calif., and points on U.S. Highway 50, between Meyers and the California-Nevada State line in the transportation of meats, between Minden, Nev., and Bridgeport, Calif., serving the intermediate point of Wellington, Nev.; *building materials*, between Bijou on Lake Tahoe, Calif., and Reno, Nev., serving the intermediate and off-route points within 20 miles of Bijou on Lake Tahoe; *molasses*, in tank trucks, from Oakland, Calif., to Smith, Nev., serving from the intermediate and off-route point of Richmond, Calif., with restriction; *rock, brick, sand, gravel, poles, fertilizer, loam, soil, and lumber*, over irregular routes, between points in California and Nevada within 50 miles of Bijou on Lake Tahoe including Bijou on Lake Tahoe;

Lumber, from points in California within 100 miles of Reno, Nev. (except those on, or within 10 miles of U.S. Highway 395), to points in Nevada (except those in Mineral, Esmeralda, and Nye Counties), from Pittsburg, Calif., to Yerington, Nev.; *lumber, veneer, and forest products*, from certain specified points in California to points in Nevada on and north of U.S. Highway 6; *beet pulp*, from Tracy, Calif., to Reno and Minden, Nev.; *machinery*, from certain specified points in California to points in Washoe, Lyon, and Storey Counties, Nev.; *grapes*, from Roseville, Calif., and points within 15 miles of Roseville, to Verdi, Sparks, and Reno, Nev.; *such groceries*, as are dealt in by wholesale grocers, from certain specified points in California, to Reno and Smith, Nev., and points within 15 miles of Reno and those within 15 miles of Smith; *gasoline and oil*, in drums, from Oakland and Richmond, Calif., to Smith, Nev., and points and places within 15 miles of Smith; and return with *empty gasoline and oil drums; petroleum products*, in containers, from Point Richmond, Calif., to Minden, Nev.; and return with *empty containers; materials and supplies* handled in the usual course of business by wholesale dealers of flour, hay, feed, grain, seed, hardware, paint, and building materials, from San Francisco and Oakland, Calif., to certain specified points in Nevada; *burlap bags and building material*, from Oakland and San Francisco, Calif., to Smith, Nev., and points and places within 15 miles of Smith; *cement*, from Redwood City and Cowell, Calif., to Smith, Nev., and points and places within 15 miles of Smith;

Junk, from Smith, Nev., to San Francisco, Calif.; *tallow and hides*, from Reno and Smith, Nev., to San Francisco, Calif.; *wool*, from Smith, Gardnerville, Minden, Schurz, and Hawthorne, Nev., and points within 30 miles of Smith, to Sacramento and San Francisco, Calif., from Smith, Nev., and points and places within 30 miles of Smith, to Stockton, Calif., from points in Douglas, Churchill, and Lyon Counties, Nev., and Mono County, Calif., to Sacramento, Oakland, and San Francisco, Calif.; *potatoes*, from Smith, Nev., and points within 15 miles of Smith, to Sacramento, Oakland, and San Francisco, Calif., from certain specified points in Nevada, to Alameda, Oakland, and San Francisco, Calif.; *ranch materials and supplies*, from San Francisco and Oakland, Calif., to certain specified points in Nevada; *used cars*, from Reno and Smith, Nev., and points within 15 miles of Reno and those within 15 miles of Smith, to Sacramento, San Francisco, and Oakland, Calif.; *honey*, from Smith, Nev., and points within 15 miles of Smith, to Sacramento and San Francisco, Calif.; *grain*, from Lincoln, Yuba City, and Marysville, Calif., to certain specified points in Nevada; *grain and feed*, from Smith, Nev., and points within 15 miles of Smith, to Sacramento, Oakland, and Petaluma, Calif., from Lincoln, Sacramento, and Oakland, Calif., to Smith Valley, Nev.; *ore and concentrates*, from Reno, Nev., and points in Nevada within 125 miles of Reno (except those in Mineral and Nye Counties), to Selby, Calif.

Blacksmith materials and supplies, from San Francisco, Oakland, and Stockton, Calif., to Reno, Nev.; used empty containers and carriers, from certain specified points in Nevada to certain specified points in California; *highway construction machinery and equipment*, between points in Nevada (except those in Mineral, Esmeralda, and Nye Counties), on the one hand, and, on the other, points in California within 200 miles of Reno, Nev. (except those on or within 10 miles of U.S. Highway 395); *ore, ore concentrates, wool, ordinary livestock, ranch and mining machinery, equipment, and supplies, feed, and coal*, between points in Nevada (except Reno) within 150 miles of Austin, Nev., including Austin; *farm implements*, between points in San Francisco, Oakland, and Stockton, Calif., Smith, Nev., and those within 15 miles of Smith; *ore and concentrates, and mining machinery, equipment, and supplies*, between points in Nevada within 150 miles of Fallon, Nev., including Fallon; *livestock*, between points within 10 miles of U.S. Highway 395 from Minden, Nev., to Bridgeport, Calif., and those within 10 miles of Nevada Highway 3 from its junction with U.S. Highway 395 to Wilson, Nev. SYSTEM 99 is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11539. Authority sought for control and merger by COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174, of the operating rights and property of B & H TRUCKAWAY COMPANY, Post Office Box 138, Long Beach, CA 90801, and for acquisition by AMERICAN COMMERCIAL LINES, INC., 2919 Allen Parkway, Houston, TX 77019, and TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Owensboro, KY 42301, of control of such rights and property through the transaction. Applicants' attorneys: Jack C. Goodman, 39 South La Salle Street, Chicago, IL 60603, and E. Phillips Malone, 3800 Frederica Street, Owensboro, KY 42301. Operating rights sought to be controlled and merged: *Automobiles*, in truckaway and driveaway service, in initial movements, as a *contract carrier* over irregular routes, from Vernon, Calif., to all points in Arizona, Nevada, and in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission; *automobiles*, in truckaway and driveaway service, in secondary movements, between certain specified points in California, on the one hand, and, on the other, points in Arizona and Nevada; *motor vehicles*, except trailers, in initial movements, by truckaway service, from Vernon, Calif., and the plantsite of the Willys Overland Motor Corp. near Maywood, Calif., to points in Utah, Idaho, Oregon, and Washington, and certain specified points in Wyoming. COMMERCIAL CARRIERS, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE: MC–43038 Sub-451, is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7855 Filed 5–23–72;8:49 am]

[Notice 72]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 18, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 396 TA) (Correction), filed March 29, 1972, published in the FEDERAL REGISTER issue of April 14, 1972, corrected and republished in part as corrected this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). NOTE: The purpose of this partial republication is to include South Dakota as a destination State, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 110420 (Sub-No. 655 TA), filed May 5, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158, Office: I–94 County Highway C, Bristol, Kenosha County, Wis. 53104. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, in bulk, in tank vehicles, from Cicero, Ill., to Marshall, Minn., for 180 days. Supporting shipper: Wagner Industries, division of A. E. Staley Manufacturing Co., 2011 Swift Drive, Oak Brook, IL 60521 (R. T. Schoettler, traffic manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 103051 (Sub-No. 253 TA), filed May 8, 1972. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Post Office Box 90408, Nashville, TN 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Pompano Beach, Fla., to Summerville, S.C., for 180 days. Supporting shipper: Enjay Chemical Co., Distribution Department, Post Office Box 3272, Houston, TX 77001. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, TN 37203.

No. MC 107460 (Sub-No. 36 TA), filed May 8, 1972. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal roofing and siding and fabricated metal products* (except commodities in bulk), between the plantsite of the Howmet Corp., located in East Hempfield Township, Lancaster County, Pa., and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Howmet Corp., 1467 Manheim Pike, Lancaster, PA. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 108393 (Sub-No. 61 TA), filed April 27, 1972. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Room 214, Hinsdale, IL 60521. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution, and repair of electrical or gas appliances, for the account of Whirlpool Corp., between Milwaukee, Wis., and St. Joseph, Mich., for 180 days. Supporting shipper: Carl R. Anderson, Director of Corporate Traffic, Whirlpool Corp., Benton Harbor, Mich. 49022. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 108393 (Sub-No. 62 TA), filed May 2, 1972. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Room 214, Hinsdale, IL 60521. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacturer, distribution, and repair of electrical or gas appliances, for the account of Whirlpool Corp., between Tiffin, Ohio, and St. Joseph, Mich., for 180 days. Supporting shipper: Carl R. Anderson, Director of Corporate Traffic, Whirlpool Corp., Benton Harbor, Mich. 49022. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 115311 (Sub-No. 133 TA), filed April 28, 1972. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representive: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, block, and tile, and materials and supplies* used in the installation thereof, from Lake Park, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Certain-Teed Products Corp., Valley Forge, Pa. 19481. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 117160 (Sub-No. 2 TA), filed May 3, 1972. Applicant: ROBERTS CARTAGE, INC., 2088 Arlington Road, Post Office Box 1252, Akron, OH 44309. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except commodities in bulk and classes A and B explosives, between Hopkins Airport, Cleveland, Ohio, and Detroit Metropolitan Airport, Detroit, Mich., restricted to shipments having a prior or subsequent movement by air, for 150 days. Supporting shipper: American Airlines, 19101 Five Points Road, Cleveland, OH 44142. Send protests to: Robert P. Amerine, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44199.

No. MC 118922 (Sub-No. 7 TA), filed May 1, 1972. Applicant: CARTER TRUCKING CO., INC., Cleveland Alley, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Snow throwers, tillers, and compost-shredder grinders and parts* for each from the plantsite of McDonough Power Equipment, Inc., McDonough, Ga., to points in Alabama, Florida, Tennessee, South Carolina, North Carolina, Virginia, Ohio, Mississippi, Louisiana, Kansas, Kentucky, Delaware, Michigan, Minnesota, Iowa, Arkansas, Oklahoma, Connecticut, Massachusetts, New York, Nebraska, North Dakota, and South Dakota. *Raw materials* when used for the manufacture of the above-described commodities from points in the above-named States, to the plantsite of McDonough Power Equipment, Inc., at McDonough, Ga., and (b) the commodities named in (1) (a) above between the plantsite of McDonough Power Equipment, Inc., at McDonough, Ga., and Atlanta, Ga., restricted to the transportation of shipments having a prior or subsequent movement by rail. (2) *Compost-shredder grinders and parts thereto*, between the plantsites of Amerind-MacKissic, Inc., at Parker Ford, Pa., and McDonough Power Equipment, Inc., at McDonough, Ga., for 180 days. NOTE: Applicant now has authority to transport lawnmowers and parts thereto between the 31 States named in (1) (a) above and the plantsite of McDonough Power Equipment, Inc., at McDonough, Ga., and (b) has a favorable order of Division 1,

Docket No. MC–118922 (Sub-No. 5) authorizing the transportation of lawnmowers and parts thereto between the plantsite of McDonough Power Equipment, Inc., at McDonough, Ga., and Atlanta, Ga., restricted to the transportation of shipments having a prior or subsequent movement by rail. Supporting shipper: McDonough Power Equipment, Inc., McDonough, Ga. 30253. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 119934 (Sub-No. 179 TA), filed May 4, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Jerry Crouch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from the plantsite of RJR Foods, Inc., Harvey, La., to Macon, Ga., for 180 days. Supporting shipper: RJR Foods, Inc., Post Office Box 448, Harvey, LA 70058. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 36 South Pennsylvania Street, Room 802, Century Building, Indianapolis, IN 46204.

No. MC 123993 (Sub-No. 20 TA), filed May 2, 1972. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, 1724 West Mill Street, Crowley, LA 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration grade anhydrous ammonia*, in bulk, in tank vehicles, from Lake Charles, La., to Longview, Tex., for 180 days. Supporting shipper: American Cyanamid Co., Post Office Box 10008, New Orleans, LA 70121, J. C. Bolles, Traffic Manager. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–9038 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 126305 (Sub-No. 43 TA), filed May 5, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpet tiles, material, equipment, and supplies* used in the manufacture and sale of carpets and carpeting, between the facilities of Heugatile Van Heugten U.S.A., Inc., located at or near Hampton, Va., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Alabama, Kenilworth, N.J., Chicago, Ill., and San Leandro, Calif., for 180 days. Supporting shipper: Heugatile Corp., Division of Van Heugten U.S.A., Inc., 185 Sumner Avenue, Kenilworth, NJ 07033. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 133097 (Sub-No. 5 TA), filed May 5, 1972. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, CA 90630. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hoists and hoisting equipment, trolleys, screws, washers, and abrasive wheels*, from York, Pa., to points in California, Utah, Oregon, and Washington; and (2) *chains, cotter pins, hoists and hoisting equipment, trolleys, screws, washers, and abrasive wheels*, from York, Pa., to points in Nevada, Arizona, New Mexico, Colorado, Wyoming, Idaho, and Montana, for 180 days. Supporting shipper: Chain Division, American Chain & Cable Co., 454 East Princess Street, York, PA. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134370 (Sub-No. 6 TA), filed May 2, 1972. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metallic and nonmetallic ores, feldspar, feldspathic sand, quartz and chips*, from points in Wyoming to points in Arizona, Colorado, Kansas, Missouri, Montana, Nebraska, and Utah, for 180 days. Supporting shipper: 3M's West, Inc., Post Office Box 297, Shoshoni, WY 82649. Send protests to: District Supervisor P. A. Naughton, Interstate Commerce Commission, Bureau of Operations, 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 135243 (Sub-No. 2 TA), filed May 2, 1972. Applicant: WISPAK TRANSPORT, INC., 4700 North 132d Street, Butler, WI 53007. Applicant's representative: Harry J. Weisfeldt, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Milwaukee and Butler, Wis., to points in Connecticut and West Virginia; and (2) *meat and meat products, new and used barrels and other packing company supplies*, from Chicago, Ill., to Milwaukee and Butler, Wis., for the account of Wisconsin Packing Co., Inc., for 180 days. Supporting shipper: Wisconsin Packing Co., Inc., 305 South Third Street, Milwaukee, WI 53204 (Robert C. Heller, vice president of operations). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 136645 (Sub-No. 1 TA), filed May 5, 1972. Applicant: DIME DELIVERY LIMITED, 6026 Main Street, Niagara Falls, ON, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished windshields, backlites, and bodyglass; silver paste*, in containers; *wire assemblies; and machinery parts*, in express service, between ports of entry on the international boundary line between the United States and Canada on the Niagara River, on the one hand, and, on the other, the cities of Buffalo and Niagara Falls, N.Y., and their commercial zones. Restriction: (1) To shipments originating at or destined to the plantsite of Niagara Glass Plant of the Ford Motor Co. of Canada, Ltd.; and (2) to the transportation of shipments, in van trucks having a gross vehicle weight not exceeding 6,000 pounds, the deliveries of which are to be completed on the same day that shipments are tendered, for 180 days. Supporting shipper: Ford Motor Co., Niagara Glass Plant, 9127 Montrose Road, Niagara, Falls, ON, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MOTOR CARRIERS OF PASSENGERS

No. MC 134361 (Sub-No. 4 TA), filed May 1, 1972. Applicant: WILDERNESS BOUND LTD., Rural Delivery 1, Box 365, Highland, NY 12528. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers* (minors between ages of 12 and 17 exclusive) *and their baggage*, in vehicles limited to 14 passengers, not including driver, in special round-trip operations (camping tours), beginning and ending at Poughkeepsie, N.Y., and extending to points in New York, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Nebraska, South Dakota, Wyoming, Colorado, Arizona, Utah, Nevada, California, Oregon, Washington, and Idaho; and (2) *mountain climbing, camping, caving, boating, and other related camping and outdoor equipment* provided by applicant to be transported in trailers hitched to the vehicles used to transport the passangers and chaperones, between June 30, 1972, and August 25, 1972, inclusive, for 55 days. Supported by: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7858 Filed 5–23–72;8:49 am]

[Notice 65]

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–35448. By order of May 15, 1972, the Motor Carrier Board approved the lease for a period of 1 year to Delaware Banana Co., Inc., Philadelphia, Pa., of the operating rights in certificate No. MC–133935 (Sub-No. 1) issued December 7, 1971, to Landis, Inc., New Castle, Del., authorizing the transportation of bananas, and agricultural commodities exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Wilmington, Del., to points in New Jersey, Delaware, Pennsylvania, Maryland, New York, Connecticut, Massachusetts, Virginia, West Virginia, and Ohio. The authority granted herein is restricted to the transportation of shipments having an immediately prior movement by water and destined to points in the authorized destination territory. Michael A. Levin, 1400 Western Saving Fund Building, Philadelphia, Pa. 19107, attorney for applicants.

No. MC–FC–73599. By order of May 15, 1972, the Motor Carrier Board approved the transfer to Lyle Drier, Eau Galle, Wis., of the operating rights in certificate No. MC–94798 issued November 7, 1956, to Charles H. Drier, Eau Galle, Wis., authorizing the transportation of agricultural products, from farms in the towns of Waterville, Waubeck, Durand, Lima, Albany, and Frankfort, Pepin County, Eau Galle, Rock Creek, Weston, Dunn County, Maxville, and Canton, Buffalo County, Wis., and the villages of Eau Galle, Arkansas, Durand, Rock Falls, and Ella, Wis., to South St. Paul, St. Paul, Minneapolis, Newport, and Hastings, Minn.; feed, seed, farm machinery, building materials, and fertilizer, from the above specified Minnesota destination points to the above-specified Wisconsin farms and points; and livestock, between the above-specified Wisconsin farms and points, on the one hand, and, on the other, South St. Paul and Newport, Minn. A. R. Fowler, registered practitioner, 2288 University Avenue, St. Paul, MN 55114, representative for applicants.

No. MC–FC–73613. By order of May 15, 1972, the Motor Carrier Board approved the transfer to J. C. Netzer Co., a corporation, Laredo, Tex., of the operating rights in certificate No. MC–1985 issued January 26, 1962, to J. C. Netzer, doing business as J. C. Netzer Co., Laredo, Tex., authorizing the transportation of general commodities, with exceptions, between points in Laredo, Tex., and between Laredo, Tex., on the one hand, and, on the other, points in Webb County, Tex. John E. Mann, Post Office Box 820, Laredo, TX 78040, attorney for applicants.

No. MC–FC–73624. By order of May 17, 1972, the Motor Carrier Board approved the transfer to Barry A. Atkins, doing business as Atkins Equipment, R. D. Wilson, Vernon, Conn., of the operating rights in certificate No. MC–109369 issued January 17, 1962, to William D. Wilson, doing business as R. D. Wilson, Manchester, Conn., authorizing the transportation of paper manufacturing machinery, from Pittsfield, Fitchburg, Worcester, and Springfield, Mass., to Manchester, Conn.; paper and paperboard, from Goodyear, Conn., through Rhode Island, to Holyoke, East Walpole, Merrimac, Pittsfield, Springfield, West Groton, and Westfield, Mass., and from Manchester, Conn., to Pittsfield, Springfield, Holyoke, and Westfield, Mass.; scrap paper and waste pressboard, from the destination points specified in the next two paragraphs above to Goodyear and Manchester, Conn.; and household goods, as defined by the Commission, between Manchester, Conn., and points in Connecticut within 7 miles of Manchester, on the one hand, and, on the other, points in Massachusetts. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

No. MC–FC–73625. By order of May 15, 1972, the Motor Carrier Board approved the transfer to Ben Ruegsegger Trucking Service, Inc., Kawkawlin, Mich., of the operating rights set forth in certificates Nos. MC–111687, MC–111687 (Sub-No. 3), MC–111687 (Sub-No. 5), MC–111687 (Sub-No. 6), MC–111687 (Sub-No. 7), MC–111687 (Sub-No. 8), MC–111687 (Sub-No. 12), MC–111687 (Sub-No. 14), MC–111687 (Sub-No. 19), MC–111687 (Sub-No. 23), MC–111687 (Sub-No. 26), MC–111687 (Sub-No. 31), and MC–111687 (Sub-No. 32), issued by the Commission November 15, 1950, January 3, 1958, April 17, 1962, November 21, 1962, June 19, 1963, September 18, 1963, December 11, 1964, December 11, 1964, December 11, 1964, February 16, 1965, July 20, 1965, January 16, 1967, and May 21, 1968, to Benjamin H. Ruegsegger, Kawkawlin, Mich., authorizing the transportation of: Fertilizer, in bags, from Columbus, Ohio, to points in a specified area in Michigan, and from Detroit, Mich., to points in a specified area of Indiana; ice cream, ice milk, ice cream mix, water ices, and vegetable fat frozen desserts, in containers, between specified points in Ohio, Indiana, and Michigan; and malt beverages, empty malt beverage containers, soft drinks, and beverage compounds, from, to, or between points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin. Benjamin Ruegsegger, Route No. 1, Kawkawlin, Mich. 48631, representative for applicants.

No. MC–FC–73664. By order of May 15, 1972, the Motor Carrier Board approved the transfer to South Iowa Refrigerated, Inc., Leon, Iowa, of that portion of the operating rights in permit No. MC–119863 (Sub-No. 2) issued July 27, 1965, to Lamoni Refrigerated Express, Inc., Davis City, Iowa, authorizing the transportation of meats, meat products, meat byproducts, from Lamoni, Iowa, to Chicago, Ill., restricted against the transportation of commodities in bulk, in tank vehicles, and barrels, from Chicago, Ill., to Lamoni, Iowa. The rights approved for transfer are restricted to a transportation service to be performed under a continuing contract, or contracts, with E. W. Kniep, Inc., of Lamoni, Iowa. Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC–FC–73698. By order of May 18, 1972, the Motor Carrier Board approved the transfer to World Freight Carriers Corp., West Springfield, Mass., of the operating rights in certificate No. MC–60255 issued October 10, 1968, to Filmore Freight Lines, Inc., Boston, Mass., authorizing the transportation of various commodities between specified points and areas in New Hampshire, Connecticut, Massachusetts, Rhode Island, and New York. Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, attorney for transferor; Kenneth B. Williams, 111 State Street, Boston, MA 02109, attorney for transferee.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7857 Filed 5–23–72;8:49 am]

[Notice 65]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 19, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–73740. By application filed May 15, 1972, SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, AZ 85041, seeks temporary authority to lease the operating rights of WILLIAM E. SWIFT, doing business as SWIFT TRANSPORTATION CO., Post Office Box 6173, Phoenix, AZ 85005, under section 210a(b). The transfer to SWIFT TRANSPORTATION COMPANY, INC., of the operating rights

of WILLIAM E. SWIFT, doing business as SWIFT TRANSPORTATION CO., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-7856 Filed 5-23-72;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 19, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 53317, filed May 5, 1972. Applicant: B & L TRUCK & TRANSFER CO., 4366 East 26th Street, Los Angeles, CA 90023. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except commodities of unusual value, household goods as defined by the Interstate Commerce Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, motor vehicles, and radioactive materials. Between: (A) All points and places within a 20-mile radius of the city of Los Angeles, including Los Angeles, (B) Between the points designated in paragraph (A) above, on the one hand, and points on or within 20 miles laterally of the following highways, including points within 20 miles of the terminals named, on the other hand: (1) Blythe, via U.S. Highways 60 and 70: *Provided, however,* That applicant is not authorized to serve Blythe or points and places within 10 miles of Blythe; (2) San Bernardino, via U.S. Highway 66; (3) Long Beach, via Long Beach Boulevard; (4) San Diego, via U.S. Highways 101, 101 Alternate and 101 Bypass; (5) Ventura via U.S. Highway 101 and 101 Alternate; (6) El Centro, va U.S. Highway 99; (7) Palmdale via U.S. Highway 6, and (8) Bakersfield, via U.S. Highway 99. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. A 53319 filed May 10, 1972. Applicant: LEMORE TRANSPORTATION, INC., 3323 Nutmeg Lane, Walnut Creek, CA 94598. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (d) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (e) earth, sand, loam, gravel, stone, cement, and/or asphaltic mixes when transported in bulk in dump trucks or in hopper-type trucks; (f) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (g) logs; (h) fresh fruits and vegetables; and (i) articles of extraordinary value. Between all points on and within 10 miles of the points and places on the following routes: (a) State Highway 17 between Fremont and Richmond, inclusive; (b) Interstate Highway 80 between San Francisco and Crockett, inclusive; (c) State Highway 4 between Pinole and Oakley, inclusive; and (d) State Highway 24 between Oakland and junction with State Highway 4, inclusive. In performing the service herein authorized, applicant may use any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Arkansas Docket No. M-6862, filed May 5, 1972. Applicant: POTEET TRUCK LINES, INC., 500 East Markham, Little Rock, AR 72201. Applicant's representative: C. J. Lincoln, 1515 Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Clinton, Ark., and Fairfield Bay, Ark.: From Clinton, Ark., over U.S. Highway 65 to the junction of Arkansas State Highway 16, thence over Arkansas State Highway 16 to the junction of Arkansas State Highway 330, thence over Arkansas State Highway 330 to Fairfield Bay and return serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Tuesday, June 27, 1972, at 1:30 p.m. at Arkansas Transportation Commission Hearing Room, Justice Building, Little Rock, Ark. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Department of Commerce, Arkansas Transportation Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-7852 Filed 5-23-72;8:48 am]

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