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(Part II begins on page 10779)

(Part III begins on page 10785)

HIGHLIGHTS OF THIS ISSUE

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

7 CFR

722 10709
728 10709
907 10715
910 10715
911 10716
916 10716
918 10717
1421 10718

PROPOSED RULES:

29 10738

12 CFR

545 10722

PROPOSED RULES:

582a 10745

14 CFR

39 10727
61 10727
71 10731
73 10731
75 10731
97 10731
121 10727

PROPOSED RULES:

71 (2 documents) 10744
75 10744

15 CFR

373 10722
379 10722

20 CFR

405 10722

PROPOSED RULES:

405 10733

24 CFR

PROPOSED RULES:

425 10736

29 CFR

690 10725

38 CFR

PROPOSED RULES:

3 10745

39 CFR

211 10786
212 10786
213 10787
222 10787
223 10791

41 CFR

5A–1 10725
5A–16 10726
5A–76 10726
15–2 10726
15–3 10726

42 CFR

51a 10780

43 CFR

PROPOSED RULES:

1720 10733
4110 10733
4120 10733
4130 10733

45 CFR

1015 10727

49 CFR

393 10727

PROPOSED RULES:

571 (2 documents) 10745
1060 10746

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Upland Cotton Set-Aside Program for Crop Years 1971–73

INTEREST ON REFUNDS OF PAYMENTS

This amendment is issued pursuant to the provisions of the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91–524, 84 Stat. 1358. The purpose of this amendment is to provide that no interest shall apply to a refund of upland cotton set-aside payments if the producer earns any certificates or payments for the farm under the wheat or feed grain set-aside program.

The regulations governing the Upland Cotton Set-Aside Program for Crop Years 1971–73, 36 F.R. 15516, as amended, are further amended by changing § 722.812(k) to read as follows:

§ 722.812 Payments.

* * * * *

(k) Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any certificates or payments under the wheat or feed grain set-aside program on the same farm and in the year to which the refund applies.

(Sec. 103, 84 Stat. 1374, 7 U.S.C. 1444)

Effective date. Since farmers are now completing their plans for the 1972 crop year, it is essential that the foregoing amendment to the regulations governing the Upland Cotton Set-Aside Program for Crop Years 1971–73 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (5–27–72).

Signed at Washington, D.C., on May 22, 1972.

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

[FR Doc.72–8081 Filed 5–26–72;8:50 am]

PART 728—WHEAT

Subpart—Wheat Set-Aside Program for Crop Years 1972–73

On August 19, 1971, interested persons were invited to submit proposals and views concerning the Wheat Set-Aside Program for 1972 (36 F.R. 16041). The comments received have been duly considered.

This subpart, which is issued pursuant to the Agricultural Adjustment Act of 1938, as amended by the Agricultural Act of 1970, Public Law 91–524, 84 Stat. 1358, supersedes for the crop years 1972–73 the regulations governing the Wheat Set-Aside Program for Crop Years 1971–73, 36 F.R. 1030, as amended. This subpart, which incorporates the provisions of the existing regulations with the following principal changes, sets forth the conditions under which wheat producers may set aside cropland on their farms and earn wheat marketing certificates and payments:

1. A new Form ASCS–516 will be used beginning with the 1972 program.

2. Provisions are added under which producers may set aside cropland in addition to the required set-aside (83 percent of the farm domestic wheat allotment) and earn payments as well as wheat marketing certificates.

3. The regulations in Part 796 prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such drug-producing plants on any part of the lands owned or controlled by them are incorporated by reference.

GENERAL

AUTHORITY: The provisions of this subpart issued under sec. 375(b), 379b(g); 52 Stat. 66, 84 Stat. 1364; 7 U.S.C. 1375(b), 1379b(g).

GENERAL

§ 728.1 Basis and purpose.

(a) The regulations in this subpart provide terms and conditions for the wheat set-aside program for the 1972 and 1973 crops of wheat, respectively, under which wheat marketing certificates and payments are issued to producers who set aside acreage to approved conservation uses and, in addition, maintain the acreage of cropland on the farm devoted in preceding years to soil-conserving uses (herein called "conserving base"), except to the extent that they elect to devote the set-aside acreage to approved alternate crops in lieu of conservation uses. Wheat marketing certificates are issued under this subpart for the purpose of enabling producers on any farm for which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the face value of such certificates.

(b) If the operator of the farm elects to participate in the program, certificates and payments shall be made available to the producers on such farm only if such producers set aside in accordance with this subpart an acreage on the farm

equal to the sum of the required set-aside and any additional set-aside acreage stated on Form ASCS–516, Intention to Participate and Payment Application (herein called "Form 516").

(c) In accordance with section 101 of the Agricultural Act of 1970 and the regulations in Part 795 of this chapter, as amended, the total value of certificates and payments which a person shall be entitled to receive annually under the program shall not exceed $55,000.

(d) The program is applicable throughout the United States except in Hawaii and Alaska.

§ 728.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings assigned to them herein, unless the context or subject matter otherwise requires.

(a) "Alternate crop" means any of the crops which may be produced on the acreage set aside from production under the conditions specified in § 728.42(h).

(b) "Certification date" means the certification date set forth for the commodity in Part 718 of this chapter, as amended.

(c) "Conservation Reserve Program" (herein called CRP) means the program authorized under the Soil Bank Act, as amended, Part 750 of this chapter, as amended.

(d) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(e) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(f) "Current year" means the calendar year in which the wheat crop with respect to which certificates and payments may be issued under this subpart would normally be harvested.

(g) "Feed Grain Set-Aside Program" means the program authorized under Title V of the Agricultural Act of 1970, Part 775 of this chapter, as amended.

(h) "Marketing year" means the 12-month period beginning on July 1 of the year the wheat is harvested.

(i) "New farm" means a farm for which a domestic wheat allotment is requested for the current year other than an old farm.

(j) "Old farm" means a farm for which a domestic wheat allotment was properly established in the preceding year and which is eligible for an old farm domestic wheat allotment in the current year.

(k) "Upland Cotton Set-Aside Program" means the program authorized under Title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

(l) "Wheat acreage" means:

(1) Any acreage planted to wheat, and any acreage of volunteer wheat which will be harvested as grain, excluding:

(i) Any acreage of wheat approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of wheat destroyed by any means or used for other than grain not later than the certification date;

(iii) Any acreage of wheat destroyed by natural causes after the certification date, upon written request by the operator for use as set-aside acreage.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is wheat and such acreage meets the requirements of subparagraph (1) of this paragraph as being wheat acreage.

(m) "Wheat planted and considered planted acreage" means the wheat acreage as defined in paragraph (l) of this section and:

(1) Any acreage which the county committee determines was not planted to wheat or failed because of drought, flood, or other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as wheat (except for new farms) under the provisions of Part 719 of this chapter, as amended, for producers who do not participate and earn certificates under the program;

(3) Any acreage planted to wheat pastured off or cut for hay prior to the farm certification date when requested by the operater in writing;

(4) Any acreage planted and considered planted to feed grain in excess of 50 percent of the feed grain base, except acreage which the county committee determines was not planted to feed grain because of drought, flood, or other natural disaster or condition beyond the control of the operator: *Provided*, That feed grain in excess of 50 percent of the feed grain base shall not be considered as planted to wheat for purposes of § 728.14(e).

(5) Any acreage planted to soybeans for harvest as beans which is not credited to feed grains or cotton: *Provided*, That soybeans shall not be considered as planted to wheat for purposes of § 728.14(e).

(n) In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, all other words and phrases shall have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, as amended.

§ 728.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service, and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and ASCS commodity offices. Notice of domestic allotments and yields shall be mailed to producers. Applications for certificates and payments shall be approved by the county committee or by an authorized representative thereof.

(b) State and county committees, ASCS commodity offices, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

ALLOTMENTS AND YIELDS

§ 728.4 1972 national domestic allotment for wheat.

Based on (a) an estimated national average yield of 29.8 bushels of wheat per acre, (b) estimated producer participation in the 1972 wheat set-aside program of 92 percent, and (c) the use of 535 million bushels of wheat for food products for consumption in the United States during the marketing year beginning July 1, 1972, the 1972 national domestic allotment for wheat has been determined to be 19.7 million acres, and a 1972 national domestic allotment of that amount has been proclaimed.

§ 728.5 Apportionment of the 1972 national domestic allotment for wheat among the several States.

The 1972 national domestic allotment of wheat was distributed on a pro rata basis to the States on the basis of each State's allotment for the preceding year adjusted for (a) the administrative transfer of farms between States, (b) decreases resulting from farms no longer engaged in agricultural production, farms dropped from the eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and (c) established crop-rotation practices in the States of Colorado, Oregon, and Washington. State allotments are available for inspection in the State ASCS offices.

§ 728.6 Apportionment of the 1972 State domestic allotments of wheat among their respective counties.

The 1972 State domestic allotments for wheat, less reserves for new farms, appeals, and corrections, were apportioned among the counties in the various States on the basis of each county's allotment for the preceding year adjusted for: (a) The administrative transfer of farms between counties, (b) acreage allocated to new farms from the State reserve, (c) acreage removed from farms no longer engaged in agricultural production, farms dropped from the eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and (d) such other relevant factors as determined necessary to establish a fair and equitable apportionment base for the county. County allotments are available for inspection in the county ASCS office.

§ 728.7 1973 national domestic allotment for wheat.

Based on: (a) An estimated national average yield of 31 bushels of wheat per acre, (b) estimated producer participation in the 1973 wheat set-aside program of 95 percent, and (c) the use of 535 million bushels of wheat for food products for consumption in the United

States during the marketing year beginning July 1, 1973, the 1973 domestic allotment for wheat has been determined to be 18.7 million acres, and a 1973 national domestic allotment of that amount has been proclaimed.

§ 728.12 Determination of 1972 and 1973 domestic allotments for old farms.

The farm domestic allotment for the 1972 and 1973 crops of wheat for old farms shall be determined by the county committee by apportioning the county domestic allotment among old farms in the county on the basis of the farm domestic wheat allotment for the preceding crop adjusted to reflect established crop-rotation practices and such other factors as the Deputy Administrator determines should be considered for the purpose of establishing a fair and equitable allotment. The farm domestic allotment shall, for the current year only, be adjusted downward to the acreage permitted under a restrictive lease on land owned by the Federal Government. The farm domestic allotment shall remain subject to reduction as provided in § 728.13.

§ 728.13 Allotment reductions.

Notwithstanding any other provision of this subpart, an old farm wheat domestic allotment shall be reduced:

(a) To the extent requested in writing by the farm owner not later than the closing date for filing Form 516.

(b) To the extent acreage of cropland on the farm is permanently removed from agricultural production, as determined by the county committee.

(c) If the current year's wheat planted and considered planted acreage on the farm is less than 90 percent of the domestic allotment. In such case, the domestic allotment for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than the domestic allotment for the current year, but such reduction shall not exceed 20 percent of the domestic allotment. If the wheat planted and considered planted acreage is zero for three consecutive years beginning in 1971, the domestic allotment shall be reduced to zero. However, no domestic allotment shall be reduced or lost through failure to plant if all producers on the farm elect to limit the acres for issuance of certificates to the acreage planted and considered planted to wheat as provided in § 728.42(k).

§ 728.14 Domestic allotments for new farms for 1972 and 1973.

(a) The county committee, with the approval of the State committee, shall determine a domestic allotment for each eligible new farm for 1972 and 1973 for which a domestic acreage allotment is requested in writing prior to July 1 of the year immediately preceding the current year in the winter wheat area, and prior to March 1 of the current year in the spring wheat area. The spring wheat area shall include any area where spring wheat is normally grown, even though winter wheat is also grown in such area. Each request for such domestic allotment shall be made by the farm owner or operator on Form MQ-25, Application for New Farm Allotment or Feed Grain Base, which shall contain statements as to location and identification of the farm, name and address of the farm operator, and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed by paragraph (b) of this section have been met.

(b) Eligibility for a new allotment shall be conditioned upon the following:

(1) The application for a new farm allotment is filed by the farm operator or farm owner at the office of the county committee on or before the applicable closing date.

(2) The farm does not otherwise qualify for a domestic wheat allotment.

(3) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a domestic wheat allotment is established for the current year.

(4) The type of soil and topography of the land on the farm for which the domestic wheat allotment is requested is suitable for the production of wheat and the production of wheat on the farm will not result in an undue erosion hazard under continuous production.

(5) The operator has adequate equipment and other facilities readily available for the successful production of wheat on the farm.

(6) The operator expects to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming. If the farm operator is a partnership, each partner must expect to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products. If the farm operator is a corporation, it must have no major corporate purpose other than operation or ownership of such farm, and the officers and general manager of the corporation must expect to derive during the current year more than 50 percent of their income, including dividends and salaries from the corporation, from the production of agricultural commodities or products from farming. In estimating the income of the farm operator from farming, no value shall be allowed for the estimated return from the production of the requested allotment. However, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or the agricultural products produced for home consumption or other use on the farm. The provisions of this subparagraph shall not be applicable if the county committee, with the approval of a representative of the State committee, determines that the income of the operator, from both farming and nonfarming sources, will not provide a reasonable standard of living for the operator and his family. In making such determination the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the operator's ability to provide a reasonable standard of living for himself and his family.

(7) The applicant has at least 2 years' experience producing wheat during the last 5 years: *Provided*, That the number of years which may be used in determining whether the applicant has at least 2 years' experience may be increased from 5 years by the number of years in which the applicant could not grow wheat because (i) the permitted acreage of nonconserving crops was zero on all farms in which the applicant had an interest or (ii) the applicant was in the armed services.

(8) In the case of a farm which includes land returned to agricultural production after having been acquired by an agency having the right of eminent domain for which the entire domestic wheat allotment (or the entire wheat allotment for crop years prior to 1971) was pooled pursuant to Part 719 of this chapter, as amended, at least 3 years shall have elapsed from the date the former owner was displaced from the acquired farm to the date the request for a new farm domestic allotment is considered.

(9) If an old farm with a domestic wheat allotment (or a wheat allotment for crop years prior to 1971) is reconstituted and the division of the allotment, as designated by the farm owner, leaves a divided part of the farm with a zero allotment, such part shall not be eligible for a new farm domestic wheat allotment for 3 years beginning with the year in which the reconstitution becomes effective.

(10) If the owner of a farm releases a domestic wheat allotment (or the wheat allotment for crop years prior to 1971), the farm shall not be eligible for a new allotment for 3 years, beginning with the year the release became effective.

(c) In establishing a domestic wheat allotment for a new farm, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of wheat under such system, and shall limit the domestic allotment to the wheat acreage planned for the farm for the current year.

(d) The total new farm domestic wheat allotments approved in a State in the current year shall not exceed a reserve established by the State committee of not more than 1 percent of the total domestic wheat allotments for all farms in that State. No part of such

reserve for new allotments shall be apportioned to a farm to reflect new cropland brought into production after November 30, 1970.

(e) Notwithstanding any other provision of this subpart, if the wheat planted and considered planted acreage for the year the new farm domestic wheat allotment is established is less than 90 percent of the allotment—

(1) The farm domestic allotment for such year shall be reduced to the acreage planted and considered planted to wheat and certificates computed on that basis; and

(2) The allotment for the succeeding year shall not exceed the acreage planted and considered planted to wheat for the prior year.

(f) The planting on a farm of wheat of any crop for which no farm domestic allotment was established shall not make the farm eligible for an old farm domestic allotment nor shall such farm by reason of such planting be considered ineligible for a new farm domestic allotment.

§ 728.15 Farm yields.

(a) *Determining yields.* The county committee shall, in accordance with instructions issued by the Deputy Administrator, determine projected farm wheat yields for old wheat farms in the county on the basis of the yield per harvested acre of wheat on the farm during each of the 3 calendar years immediately preceding the year in which such projected farm yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields, and for any significant changes in production practices.

(b) *Provable yields.* Notwithstanding the provisions of paragraph (a) of this section, if reliable records of the actual yield in bushels per acre for each of the 3 years immediately preceding the year in which the yield is determined are available to the county committee, the projected yield for the farm shall not be less than the average of such yields, with such adjustment as determined necessary to provide a fair and equitable yield.

(c) *Yield for new farms.* The county committee shall determine a projected wheat yield for each new farm, taking into consideration the yields approved for old wheat farms which are comparable with respect to type of soil, topography, moisture conditions, and current production practices.

§ 728.16 Farms acquired by Federal, State, or local agency having the right of eminent domain.

The domestic wheat allotment determined for a farm shall, if the farm is acquired for any purpose other than for the continued production of allotment crops by any Federal, State, or other agency having the right of eminent domain, become available for use in providing domestic allotments for other farms owned by the owner so displaced, and such apportionment shall be made in accordance with Part 719 of this chapter, as amended.

§ 728.17 Reconstitution of farms.

Farms shall be reconstituted and domestic allotments established therefor in accordance with Part 719 of this chapter, as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) *Combination.* Multiply the domestic allotment by the yield for each parent farm and divide the sum of the results for all parent farms by the sum of the allotments on the parent farms.

(b) *Division.* Determine a yield in accordance with § 728.15. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

(c) *Notice and date of reconstitution.* Any Form 516 filed for a farm before it is reconstituted shall be canceled and the farm operator notified of the cancellation. A corrected Form 516 may be prepared for the farm(s) as properly constituted, even though this action is necessary after the final date for filing Form 516 as specified in § 728.38.

§ 728.18 Notice of allotment, conserving base, and yield.

Each operator interested in the wheat crop on a farm for which a domestic allotment is established shall be notified in writing of the allotment, the projected yield per acre, and the conserving base for the farm: *Provided,* That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice, but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of the notice. Such notice will be on Form ASCS–516 (Notice), Notice of Allotment, Base Acreages, Yields, and Rates.

§ 728.35 County projected yields.

County projected yields for the current year are determined for each wheat-producing county in the United States except for counties in Alaska, Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county projected yield for the current year was determined on the basis of the average of the 5-year annual yields per harvested acre of wheat for the county immediately preceding the year in which such projected yields were determined, as determined by the Statistical Reporting Service, adjusted for abnormal weather conditions affecting such yields, for trends in yields, and for any significant changes in production practices. The county projected yields for the current year are available for inspection in the county ASCS office.

Domestic Wheat Marketing Certificates and Payments

§ 728.36 Eligibility requirements.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A Form 516 must be filed for the farm by the operator in accordance with § 728.38.

(2) For 1972, an acreage equal to 83 percent of the domestic wheat allotment must be set aside from production and devoted to approved conservation uses: *Provided,* That a person whose payments under the program are reduced because of the $55,000 payment limitation may request a downward adjustment in the set-aside requirement pursuant to the provisions of Part 795 of this chapter, as amended: *Provided further,* That, if at least 55 per centum of the cropland on an established summer fallow farm is devoted to a summer fallow use, no further acreage shall be required to be set aside on the farm.

(3) The acreage set aside from production as stated on Form 516 must be devoted to one or more approved conservation uses specified in Part 792 of this chapter, as amended, or to alternate crops and the operator must comply with the limitations on the use of such acreage also specified in such part.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph, an acreage equal to the conserving base established for the farm under Part 792 of this chapter, as amended, must be devoted to one or more of the conservation uses specified in such part. Acreage designated as diverted or set aside under any other Federal acreage reduction program shall not be counted toward maintaining the conserving base unless authorized in the regulations governing such program or Part 792 of this chapter, as amended.

(5) In the case of any farm participating in the CRP, CCP, or CAP, the acreage of wheat and other nonconserving crops other than approved alternate crops on acreage set aside under this program, the feed grain set-aside program, and the upland cotton set-aside program, plus the acreage set aside under such programs, shall not exceed the smallest number of acres of nonconserving crops permitted under the CRP, CCP, and CAP.

(6) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of wheat, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage will not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit, or other right of possession or land in a national wildlife refuge shall not be eligible for participation in the program.

(7) Producers on a farm acquired for future development for purposes other than agricultural production shall not be eligible for participation in the program, unless the county committee determines that the farm is actively engaged in the production of crops for harvest other than hay, sod, ornamentals, or timber.

(c) *Producer eligiblity requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper shares in the wheat produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared in such commodity if wheat had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if; (i) The right of majority has been conferred on him by court proceedings; or (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 728.37 Additional set-aside.

(a) *General.* In addition to the acreage required to be set aside under § 728.36(b)(2), acreage may be set aside and payments earned for 1972 on other than farms with new domestic wheat allotments under the conditions specified in this section.

(b) *Winter wheat producers.* In addition to the required set-aside, producers in the winter wheat area may set aside an acreage of cropland up to 75 percent of the domestic wheat allotment. The additional acreage, when designated, must be cropland that is planted to wheat of average quality as determined by the county committee. The wheat on such acreage must be disposed by the certification date in accordance with instructions issued by the Deputy Administrator.

(c) *Spring wheat producers.* In addition to the required set-aside, producers in the spring wheat area may set aside an acreage of cropland up to 75 percent of the domestic wheat allotment. Producers who set aside additional acreage under this paragraph must reduce the 1972 wheat acreage for the farm below the the 1971 program plus acreage which amount of acreage set aside under this paragraph. For the purpose of this paragraph, the 1971 wheat acreage shall be the 1971 wheat planted and considered planted acreage as defined in § 728.2(n) of the regulations governing the 1971 program, 36 F.R. 16041, not to exceed the 1971 wheat acreage as defined in § 728.2(m) of the regulations governing the 1971 program plus acreage which failed and was credited as wheat acreage. Notwithstanding the provisions of the foregoing sentence, when the 1971 wheat planted and considered planted acreage is from 90 percent to 100 percent of the 1971 domestic wheat allotment, the 1971 wheat acreage shall, for the purpose of the paragraph, be increased to an acreage equal to the 1971 domestic wheat allotment.

(d) *Winter and spring wheat producers.* Producers in an area where both winter wheat and spring wheat are produced who elect to set aside additional cropland must set aside such cropland in accordance with the provisions of paragraph (b) of this section: *Provided,* That, if part or all of the wheat produced and certified to in 1971 was spring wheat, producers may elect to set aside additional cropland pursuant to the provisions of either paragraph (b) or (c) of this section or of both paragraphs (b) and (c) of this section. Notwithstanding any other provision of this section, if a producer in an area where both winter wheat and spring wheat are normally produced planted only winter wheat for harvest in 1971 and the county committee determines that there will be no winter wheat for harvest in 1972, the producer may set aside additional cropland pursuant to the provisions of paragraph (c) of this section.

(e) *Payment rate.* The 1972 payment rate for additional set-aside shall be 94 cents per bushel. The 1972 additional acre set-aside payment rate shall be determined by multiplying 94 cents by the projected yield as established for the farm pursuant to the provisions of § 728.15. The payment rate for 1973 will be announced by amendment to this subpart if payments for additional set-aside are authorized.

§ 728.38 Intention to participate in the program.

(a) *Who may file.* A Form 516 must be filed by the operator of an eligible farm if he wishes to participate in the program.

(b) *Where to file.* Form 516 shall be filed with the office of the county committe having jurisdiction over the county where the farm is located.

(c) *When to file.* Form 516 shall be filed within the period authorized by the Deputy Administrator. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish to the satisfaction of the county committee that they intended to participate in the program and their failure to file by such date was not due to the fault or negligence of the producers.

(d) *Withdrawal and revision.* The operator may, upon approval of the county committee, withdraw Form 516 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Parts 718 and 791 of this chapter, as amended. If Form 516 is withdrawn, the producers on the farm may, not later than the closing date, file a new Form 516. If the farm is reconstituted or if a revised allotment notice is issued for any reason, the operator shall have 15 days after the mailing date of such notice of reconstitution or revised allotment to file a new Form 516.

§ 728.39 Designation, use, and care of set-aside acreage.

The regulations governing the designation, use, and care of land set aside from production under this program and approved conservation uses thereon are set forth in Part 792 of this chapter, as amended.

§ 728.40 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to the program.

§ 728.41 Determination of compliance.

(a) Determination of the wheat acreage and acreage designated as set-aside shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county or State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage of wheat and the acreage which the operator designated as devoted to approved conservation uses on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representations and the performance of his obligations under the program.

§ 728.42 Domestic wheat marketing certificates and payments.

(a) Issuance: Issuance of domestic marketing certificates and payments to the producers on a farm shall be made only after they sign Form 516 and the farm operator certifies that the farm is in compliance with the requirements of the program. If the certification of compliance is made after May 1 of the year following the current year, it shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) Failure to comply fully: Except as otherwise provided herein and in Part 791 of this chapter, as amended, certificates and payments shall not be issued for a farm or to a producer when there is failure to comply fully with the regulations in this subpart.

(c) Amount of domestic marketing certificates: Domestic marketing certificates shall be issued to producers on an eligible farm equal to the number of bushels obtained by multiplying the domestic wheat allotment by the farm projected yield determined in accordance with § 728.15.

(d) Value of domestic marketing certificates: The face value per bushel of domestic marketing certificates for the current year's crop of wheat shall be such amount as, together with the national

average market price received by farmers during the first 5 months of the marketing year for such crop the Secretary determines will be equal to the parity price for wheat as of the beginning of the marketing year for the crop. (The face value per bushel of 1971 domestic marketing certificates is $1.63.)

(e) Advance: An advance will be made to producers as soon as practicable after July 1 of the year in which the crop is harvested in an amount equal to 75 percent of the estimated per bushel face value of certificates to be issued to eligible producers. The advance shall be repaid through the withholding of certificates for such crop having a face value equal to such advance. If the face value of the certificates as finally determined is less than the advance, the difference shall not be required to be repaid.

(f) Payments for additional set-aside: Payments for cropland set aside in addition to the required set-aside shall be determined by multiplying the additional acreage set aside pursuant to § 728.37 by the additional acre set-aside payment rate.

(g) Certificates and payments due a producer: Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, as amended, the total amount of certificates and payments due each eligible producer under the program shall be determined by multiplying the total amount of certificates and payments earned for the farm by the producer's share of such certificates and payments.

(h) Part or all of the acreage set aside under §§ 728.36(b)(2) and 728.37 may be devoted to approved alternate crops. If a producer elects to devote the set-aside acreage to approve alternate crops, a reduction shall be made in the payments otherwise computed for the farm.

(1) For 1972, the approved alternate crops and castor beans, crambe, guar, mustard seed, plantago ovato, safflower, sesame, and sunflower. The per acre reduction for set-aside acreage devoted to approved alternate crops shall be at a fair and reasonable rate as determined in accordance with instructions issued by the Deputy Administrator.

(2) For 1973, the approved alternate crops will be announced by amendment to this subpart.

(i) Certificates and payments declined: If a producer declines, for personal reasons, to accept all or any part of his share of the certificates and payments computed for a farm in accordance with the provisions of this section, such certificates and payments or portion thereof shall not become available for any other producer on the farm.

(j) Unearned marketing certificates and payments: Certificates and payments issued to any producer which exceed the total amount of certificates and payments earned by him under the program with respect to any farm shall, in the case of payments, be refunded and, in the case of certificates, be returned, or if, not returned, the value thereof paid to the Commodity Credit Corporation. If for any reason neither certificates nor payments are earned, the producer shall pay interest at the rate of 6 percent per annum on: (1) The total amount of certificates issued from the issue date to the date the certificates are returned or the value thereof paid, and (2) the total payments issued from the date the payments were issued until the date they are refunded. The provisions of the foregoing sentence requiring the payment of interest shall not apply if the producer earns any payments under the feed grain or upland cotton set-aside program on the same farm and in the year to which the refund applies.

(k) Protection of allotment: Producers otherwise eligible to receive certificates may elect to limit the acres for issuance of certificates to the wheat acreage planted and considered planted in order to protect the domestic allotment from reduction due to failure to plant.

§ 728.43 Division of certificates and payments and additional provisions relating to tenants and sharecroppers.

Regulations relating to the division of certificates and payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 728.44 Purchase of certificates by Commodity Credit Corporation.

Domestic marketing certificates, legally held by any person, will be purchased by Commodity Credit Corporation at any time at face value.

Miscellaneous Provision

§ 728.46 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the certificates and payments due him shall be issued to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) If any person who had an interest as a producer of wheat or would have had an interest as a producer if wheat had been produced (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the certificates and payments due the predecessor and successor shall be divided on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the certificates and payments, the certificates and payments shall be issued to the producer who has the interest in the crop at the time of harvest, and if the crop is completely destroyed prior to harvest, the certificates and payments shall be issued to the producer who had the interest at the time of destruction of the crop. However, in the event no crop is planted for harvest and the predecessor and the successor are unable to agree to a division of the certificates and payments, a fair and equitable division of the certificates and payments shall be determined by the county committee.

(c) In any case where any certificates and payments due any successor producer have previously been issued to the producer who filed Form 516, such certificates and payments shall not be issued to the successor producer unless they are recovered from the producer to whom issued or issuance is authorized by the Deputy Administrator.

§ 728.47 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the wheat set-aside program shall not be entitled to receive wheat marketing certificates or payments under the program for the year with respect to which the scheme or device was adopted and shall refund any payments and return any certificates received by him, or, in the case of certificates, pay the value thereof to the Commodity Credit Corporation.

(b) The making of a fraudulent representation by a person in the program documents or otherwise for the purpose of obtaining payments or wheat marketing certificates shall render the person liable to refund any payments and return any certificates received by him (or to pay the value thereof) to the Commodity Credit Corporation with respect to which the fraudulent representation was made.

(c) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly: (1) Made a false report of the wheat, feed grain, or upland cotton acreage on a farm participating in the programs for such commodities, (2) falsely certified compliance with other provisions of the wheat, feed grain, or upland cotton set-aside program, or (3) obstructed the county committee's efforts to determine compliance with the wheat, feed grain, or upland cotton set-aside program, shall not be entitled to receive program benefits under the wheat set-aside program, the feed grain set-aside program, and the upland cotton set-aside program for the year in which such action occurred and shall return any wheat marketing certificates (or pay the value thereof) and shall refund any payment received by him under such programs to the Commodity Credit Corporation.

(d) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 728.48 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended, shall be applicable to this program.

(b) *Assignments.* The right to receive wheat marketing certificates and payments under this subpart may be assigied only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 728.49 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 728.50 Performance based on advice or action of a representative of a county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 728.51 Release of prior years' excess wheat.

(a) *Underproduction.* Notwithstanding any other provisions of this title, the amount of any excess wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, and the regulations contained in this title prior to the 1971 crop of wheat may be reduced by the amount by which the actual total production of the 1972 or 1973 wheat crop on the farm is less than the number of bushels determined by multiplying three times the domestic allotment for such crop on the farm by the yield established for the farm under the program for such crop: *Provided,* That (1) the conditions of paragraph (b) of this section are met and (2) if a producer having an interest in the excess wheat in storage no longer shares in the wheat crop on the farm, such producer may obtain the release of his share of the stored excess wheat to the extent of underproduction in the amount specified in the foregoing provisions of this paragraph on any other farm on which he shares in the wheat crop multiplied by his percentage share of the wheat crop on such other farm.

(b) *Conditions of release.* Release of stored excess wheat by the county committee under paragraph (a) of this section is subject to the following conditions: (1) A producer having an interest in the excess wheat files a written request for release of the stored excess on or before December 31 of the year of harvest in which the underproduction occurred, (2) the producer establishes actual production to the satisfaction of the county committee and, if the county committee determines a farm and warehouse visit is necessary to verify production, the producer remits a service fee to cover cost of such visit, and (3) the required amount of excess wheat is in the storage at the time of application.

§ 728.52 Prohibition against payments to producers.

The regulations in Part 796 of this chapter prohibiting the making of payments and certificates to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

§ 728.53 Supervisory authority of the State committee.

The State committee may take any action required by these regulations which has not been taken by a county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 728.54 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date. Upon publication in the FEDERAL REGISTER (5–27–72).

Signed at Washington, D.C., on May 22, 1972.

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

[FR Doc.72–8082 Filed 5–26–72;8:50 am]

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

[Navel Orange Reg. 269, Amdt. 1]

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

Limitation of Handling

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

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

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i) of § 907.569 *Navel Orange Regulation 269* (37 F.R. 9982) are hereby amended to read as follows:

§ 907.569 Navel Orange Regulation 269.

* * * * *

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

(i) District 1: 900,000 cartons.

* * * * *

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

Dated: May 24, 1972.

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

[FR Doc.72–8078 Filed 5–26–72; 8:48 am]

[Lemon Reg. 535]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.835 Lemon Regulation 535.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the

need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 23, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 28, through June 3, 1972, is hereby fixed at 280,000 cartons.

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

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

Dated: May 25, 1972.

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

[FR Doc.72-8114 Filed 5-26-72;8:50 am]

[Lime Reg. 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

§ 911.401 Lime Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125; 37 F.R. 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the regulation stems from the current supply and market situation. There currently is available a much greater supply of limes than the market can absorb. The current crop of limes is estimated to be the largest crop of record and 14 percent above last season's record crop. Continued cool weather and rain in most major markets have resulted in an excessive supply of limes in such markets. The committee reports that because of the large supply available, excessive shipments are continuing. It estimates that 28,000 bushels will be shipped in the current week and that shipments next week, in the absence of volume regulation, are expected to exceed 30,000 bushels, and this quantity would likely demoralize the market. Such excess shipments would further depress prices for Florida limes. The present market is slow, and there are no indications of an increase in demand. Thus, a volume regulation is needed to permit supplies to clear the market and to prevent excessive shipments during the week of May 28 through June 3, 1972.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 24, 1972.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period May 28, 1972, through June 3, 1972, is hereby fixed at 20,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: May 25, 1972.

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

[FR Doc.72-8129 Filed 5-26-72;8:50 am]

[Nectarine Reg. 3, Amdt. 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of May 11, 1972 (37 F.R. 9485) that the Department was giving consideration to a proposal to amend § 916.345 (Nectarine Regulation 3; 37 F.R. 8862) pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Nectarine Administrative Committee, established pursuant to said amended marketing agreement and order.

The proposal would amend § 916.345 (Nectarine Regulation 3; 37 F.R. 8862) to: (1) Continue the effective period of said regulation through May 31, 1973. The present regulation ends June 2, 1972. It is the committee's recommendation that such regulation be continued for the entire 1972 nectarine shipping season and that the grade, size, and pack per specified varieties be continued to the start of the 1973 shipping season.

The amendment reflects the prevailing supply and market situation for the 1972 nectarine shipping season and is consistent with the objectives of the act in that it will tend to assure desirable nectarines to consumers and maximize returns to producers pursuant to the declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Nectarine Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such nectarines, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such nectarines are currently in progress and this amendment should be applicable to all nectarine shipments occurring on and after the effective date as specified herein in order to effectuate the declared policy of the act; (2) the effective period as specified in the notice is for the 1972 nectarine shipping season, as hereinafter set forth, to which no exceptions were submitted; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 916.345 (Nectarine Regulation 3; 37 F.R. 8862) is hereby amended to read as follows:

§ 916.345 Nectarine Regulation 3.

(a) Order: During the period June 3, 1972, through May 31, 1973, no handler

shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided further,* That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting.

(b) During the period June 3, 1972, through May 31, 1973.

(1) No handler may handle any package or container of May Red variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of a standard pack, not more than 130 nectarines in the lug box;

(ii) Such nectarines when packed in a standard basket, are of a size not smaller than a size that will pack 4 x 5 standard pack; or

(iii) Such nectarines when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph measure not less than 1¾ inches in diameter: *Provided,* That not more than 10 percent by count of nectarines in any container may fail to meet such diameter requirement.

(2) No handler shall handle any package or container of Arm King, Grand River, Mayfair, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than 1⅞ inches in diameter: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(3) No handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Sunbright, Sun King, or Sunrise variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than 2 inches in diameter: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(4) No handler shall handle any package or container of Early Sun Grand, Grandandy, Independence, Star Grand I, Star Grand II, Sun Flame, Sun Grand, or Rose variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than 2⅛ inches in diameter: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(5) No handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flame Kist, Flavor Top, Gold King, Granderli, Grand Prize, Hi-Red, Late Le Grand, Le Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free nectarines, unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than 2¼ inches in diameter: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(c) When used herein, "diameter," "U.S. No. 1," and "standard pack" shall have the same meaning as set forth in the United States Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); "standard basket" shall mean the standard basket set forth in section 43592 of the Agricultural Code of California; "No. 22 standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated, May 24, 1972, to become effective June 3, 1972.

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

[FR Doc.72-8079 Filed 5-26-72;8:48 am]

[Peach Reg. 1, Amdt. 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This action reflects the Department's appraisal of the need for amending the regulation, based on a more recent appraisal of the Georgia peach crop. Under the amendment, the implementation of a size requirement for the 1972 peach crop would be delayed from May 24 until May 27, 1972. The peach crop in Georgia recently suffered damage from a hail storm, which reduced the available supply of marketable peaches. Therefore, it is necessary to amend the regulation to permit smaller peaches, which are mature and which meet the grade requirement, to be shipped. By May 27, 1972, there will be an ample volume of peaches meeting the 1⅞-inch diameter and grade requirement, to satisfy the market demand. Thus, the size requirement specified herein is necessary to provide consumers with good quality fruit, consistent with the overall quality of crop, while improving returns to the producers pursuant to the declared policy of the act.

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

Order. The provisions of § 918.314 (Peach Regulation 1; 37 F.R. 10433) are hereby amended in the following respects:

Paragraphs (a) (1) and (2), (b), and (c), thereof are revised to read as follows:

§ 918.314 Peach Regulation 1.

(a) Order: No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) During the period May 24 through August 31, 1972, do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well healed hail marks, split pits that are not scored as serious damage, and not more than 1 percent decay may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period May 27 through August 31, 1972, are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of

packages, and not more than 15 percent, by count, of such peaches in any container in such lot may be smaller than 1⅞ inches in diameter.

(b) The inspection requirements contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets during the period specified in paragraph (a)(1) of this section.

(c) The maturity regulations contained in § 918.400 are hereby suspended with respect to shipment of peaches to destinations other than in the adjacent markets during the period specified in paragraph (a)(1) of this section.

* * * * *

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

Dated, May 23, 1972, to become effective May 24, 1972.

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

[FR Doc.72-8080 Filed 5-26-72;8:48 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1972 Crop Soybean Supp.]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1972 Crop Soybean Loan and Purchase Program

On September 15, 1971, notice of proposed rule making regarding loan and purchase rates for 1972 crop soybeans and detailed operating provisions to carry out the 1972 crop soybean loan and purchase program was published in the FEDERAL REGISTER (36 F.R. 18473). No data, views, or recommendations were filed by interested persons.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops published at 35 F.R. 7363 and 7781 and any amendments thereto are further supplemented for the 1972 crop of soybeans. The material previously appearing in these §§ 1421.390 through 1421.393 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.390 Availability.
1421.391 Warehouse charges.
1421.392 Maturity of loans.
1421.393 Loan and purchase rates, premiums and discounts.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 301, 303, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1449, 1421.

§ 1421.390 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1972 crop of eligible soybeans on or before May 31, 1973. To sell eligible soybeans to CCC a producer must execute and deliver to the appropriate county ASCS office, on or before June 30, 1973, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1972 crop soybeans he may sell to CCC.

§ 1421.391 Warehouse charges.

Subject to the provisions of § 1421.372, the schedules of deductions set forth in this section shall apply to soybeans stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JUNE 30, 1973

Storage start date [1]	*Deduction (cents per bushel)*
Prior to Aug. 22, 1972	13
Aug. 22–Sept. 15	12
Sept. 16–Oct. 10	11
Oct. 11–Nov. 4	10
Nov. 5–Nov. 29	9
Nov. 30—Dec. 24	8
Dec. 25, 1972–Jan. 18, 1973	7
Jan. 19–Feb. 12	6
Feb. 13–Mar. 9	5
Mar. 10–Apr. 3	4
Apr. 4–Apr. 28	3
Apr. 29–May 23	2
May 24–June 30	1

[1] All dates inclusive.

§ 1421.392 Maturity of loans.

Loans mature on demand but not later than June 30, 1973.

§ 1421.393 Loan and purchase rates, premiums and discounts.

County rates for soybeans and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the soybeans are stored, adjusted only for the weed control discount where applicable. The rate for warehouse stored soybean loans shall be the basic rate for the county where the soybeans are stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.23 (c), settlement for soybeans delivered from other than approved warehouse storage shall be based (1) on the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity of the soybeans delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county loan and purchase rates.* Basic county rates for the classes Green Soybeans and Yellow Soybeans containing 12.8 to 13.0 percent moisture and grading not lower than U.S. No. 2 on the factors of test weight, splits, and heat damage and U.S. No. 1 on all other factors are as follows:

ALABAMA

County	*Rate per bushel*	*County*	*Rate per bushel*
Baldwin	$2.28	Monroe	$2.26
Clarke	2.26	Washington	2.26
Escambia	2.27	All other counties	2.25
Mobile	2.28		

ARIZONA

All counties	$2.11

ARKANSAS

County	*Rate per bushel*	*County*	*Rate per bushel*
Arkansas	$2.28	Lawrence	$2.28
Ashley	2.28	Lee	2.28
Baxter	2.24	Lincoln	2.28
Benton	2.18	Little River	2.21
Boone	2.21	Logan	2.21
Bradley	2.27	Lonoke	2.27
Calhoun	2.25	Madison	2.20
Carroll	2.20	Marion	2.23
Chicot	2.28	Miller	2.21
Clark	2.23	Mississippi	2.28
Clay	2.28	Monroe	2.28
Cleburne	2.25	Montgomery	2.21
Cleveland	2.27	Nevada	2.22
Columbia	2.23	Newton	2.21
Conway	2.24	Ouachita	2.24
Craighead	2.28	Perry	2.24
Crawford	2.20	Phillips	2.28
Crittenden	2.28	Pike	2.21
Cross	2.28	Poinsett	2.28
Dallas	2.25	Polk	2.20
Desha	2.28	Pope	2.23
Drew	2.28	Prairie	2.28
Faulkner	2.25	Pulaski	2.25
Franklin	2.21	Randolph	2.27
Fulton	2.25	St. Francis	2.28
Garland	2.23	Saline	2.24
Grant	2.25	Scott	2.20
Greene	2.28	Searcy	2.23
Hempstead	2.21	Sebastian	2.20
Hot Spring	2.24	Sevier	2.20
Howard	2.20	Sharp	2.27
Independence	2.27	Stone	2.25
Izard	2.25	Union	2.25
Jackson	2.28	Van Buren	2.24
Jefferson	2.27	Washington	2.19
Johnson	2.22	White	2.27
Lafayette	2.21	Woodruff	2.28
		Yell	2.22

CALIFORNIA

All counties	$2.11

DELAWARE

All counties	$2.26

FLORIDA

Baker	$2.25	Lafayette	$2.25
Bay	2.25	Leon	2.25
Calhoun	2.25	Liberty	2.25
Columbia	2.25	Madison	2.25
Dixie	2.25	Nassau	2.25
Duval	2.25	Okaloosa	2.27
Escambia	2.27	Santa Rosa	2.27
Franklin	2.25	Suwannee	2.25
Gadsden	2.25	Taylor	2.25
Gulf	2.25	Wakulla	2.25
Hamilton	2.25	Walton	2.27
Holmes	2.25	Washington	2.25
Jackson	2.25	All other counties	2.24
Jefferson	2.25		

GEORGIA

All counties	$2.26

ILLINOIS

Adams	$2.27	Edgar	$2.30
Alexander	2.28	Edwards	2.26
Bond	2.29	Effingham	2.30
Boone	2.28	Fayette	2.30
Brown	2.28	Ford	2.30
Bureau	2.28	Franklin	2.26
Calhoun	2.27	Fulton	2.28
Carroll	2.26	Gallatin	2.25
Cass	2.29	Greene	2.28
Champaign	2.30	Grundy	2.30
Christian	2.30	Hamilton	2.26
Clark	2.30	Hancock	2.27
Clay	2.29	Hardin	2.25
Clinton	2.28	Henderson	2.26
Coles	2.30	Henry	2.28
Cook	2.31	Iroquois	2.30
Crawford	2.29	Jackson	2.28
Cumberland	2.30	Jasper	2.30
De Kalb	2.30	Jefferson	2.27
De Witt	2.30	Jersey	2.27
Douglas	2.30	Jo Daviess	2.26
Du Page	2.31	Johnson	2.26

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Kane	$2.30	Piatt	$2.30
Kankakee	2.30	Pike	2.27
Kendall	2.30	Pope	2.25
Knox	2.28	Pulaski	2.26
Lake	2.30	Putnam	2.28
La Salle	2.30	Randolph	2.28
Lawrence	2.27	Richland	2.28
Lee	2.28	Rock Island	2.26
Livingston	2.30	St. Clair	2.28
Logan	2.30	Saline	2.25
McDonough	2.28	Sangamon	2.30
McHenry	2.29	Schuyler	2.28
McLean	2.30	Scott	2.29
Macon	2.30	Shelby	2.30
Macoupin	2.29	Stark	2.29
Madison	2.28	Stephenson	2.26
Marion	2.29	Tazewell	2.30
Marshall	2.30	Union	2.28
Mason	2.29	Vermilion	2.30
Massac	2.24	Wabash	2.26
Menard	2.29	Warren	2.28
Mercer	2.26	Washington	2.28
Monroe	2.28	Wayne	2.27
Montgomery	2.29	White	2.25
Morgan	2.29	Whiteside	2.26
Moultrie	2.30	Will	2.31
Ogle	2.28	Williamson	2.26
Peoria	2.29	Winnebago	2.27
Perry	2.27	Woodford	2.30

INDIANA

Adams	$2.26	Lawrence	$2.24
Allen	2.27	Madison	2.25
Bartholomew	2.24	Marion	2.26
Benton	2.30	Marshall	2.26
Blackford	2.25	Martin	2.24
Boone	2.26	Miami	2.25
Brown	2.24	Monroe	2.25
Carroll	2.26	Montgomery	2.27
Cass	2.26	Morgan	2.26
Clark	2.22	Newton	2.30
Clay	2.27	Noble	2.27
Clinton	2.26	Ohio	2.22
Crawford	2.22	Orange	2.22
Daviess	2.24	Owen	2.26
Dearborn	2.22	Parke	2.28
Decatur	2.23	Perry	2.22
De Kalb	2.27	Pike	2.23
Delaware	2.25	Porter	2.30
Dubois	2.22	Posey	2.24
Elkhart	2.26	Pulaski	2.28
Fayette	2.24	Putnam	2.27
Floyd	2.23	Randolph	2.25
Fountain	2.30	Ripley	2.22
Franklin	2.23	Rush	2.24
Fulton	2.26	St. Joseph	2.27
Gibson	2.25	Scott	2.22
Grant	2.25	Shelby	2.25
Greene	2.26	Spencer	2.23
Hamilton	2.26	Starke	2.28
Hancock	2.25	Steuben	2.27
Harrison	2.22	Sullivan	2.27
Hendricks	2.26	Switzerland	2.22
Henry	2.25	Tippecanoe	2.28
Howard	2.25	Tipton	2.26
Huntington	2.26	Union	2.24
Jackson	2.23	Vanderburgh	2.24
Jasper	2.29	Vermillion	2.30
Jay	2.25	Vigo	2.29
Jefferson	2.22	Wabash	2.25
Jennings	2.22	Warren	2.30
Johnson	2.25	Warrick	2.24
Knox	2.25	Washington	2.22
Kosciusko	2.26	Wayne	2.25
Lagrange	2.27	Wells	2.26
Lake	2.31	White	2.28
La Porte	2.28	Whitley	2.27

IOWA

Adair	$2.20	Black Hawk	$2.22
Adams	2.20	Boone	2.21
Allamakee	2.22	Bremer	2.21
Appanoose	2.22	Buchanan	2.23
Audubon	2.20	Buena Vista	2.20
Benton	2.24	Butler	2.21

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Calhoun	$2.20	Linn	$2.24
Carroll	2.20	Louisa	2.26
Cass	2.20	Lucas	2.22
Cedar	2.25	Lyon	2.19
Cerro Gordo	2.21	Madison	2.20
Cherokee	2.20	Mahaska	2.23
Chickasaw	2.21	Marion	2.22
Clarke	2.21	Marshall	2.23
Clay	2.20	Mills	2.19
Clayton	2.23	Mitchell	2.20
Clinton	2.26	Monona	2.19
Crawford	2.20	Monroe	2.22
Dallas	2.21	Montgomery	2.19
Davis	2.23	Muscatine	2.26
Decatur	2.21	O'Brien	2.20
Delaware	2.23	Osceola	2.20
Des Moines	2.26	Page	2.19
Dickinson	2.20	Palo Alto	2.20
Dubuque	2.24	Plymouth	2.19
Emmet	2.20	Pocahontas	2.20
Fayette	2.22	Polk	2.22
Floyd	2.20	Pottawattamie	2.19
Franklin	2.22	Poweshiek	2.24
Fremont	2.19	Ringgold	2.20
Greene	2.20	Sac	2.20
Grundy	2.22	Scott	2.26
Guthrie	2.20	Shelby	2.20
Hamilton	2.21	Sioux	2.19
Hancock	2.21	Story	2.22
Hardin	2.22	Tama	2.24
Harrison	2.19	Taylor	2.20
Henry	2.25	Union	2.20
Howard	2.21	Van Buren	2.25
Humboldt	2.21	Wapello	2.23
Ida	2.20	Warren	2.21
Iowa	2.24	Washington	2.25
Jackson	2.26	Wayne	2.22
Jasper	2.23	Webster	2.21
Jefferson	2.24	Winnebago	2.21
Johnson	2.24	Winneshiek	2.22
Jones	2.25	Woodbury	2.19
Keokuk	2.24	Worth	2.21
Kossuth	2.21	Wright	2.21
Lee	2.26		

KANSAS

Allen	$2.17	Linn	$2.18
Anderson	2.17	Lyon	2.16
Atchison	2.19	Marion	2.15
Bourbon	2.18	Marshall	2.16
Brown	2.18	McPherson	2.14
Butler	2.15	Miami	2.18
Chase	2.15	Mitchell	2.13
Chautauqua	2.16	Montgomery	2.16
Cherokee	2.18	Morris	2.15
Clay	2.15	Nemaha	2.17
Cloud	2.14	Neosho	2.17
Coffey	2.16	Osage	2.16
Cowley	2.15	Ottawa	2.14
Crawford	2.18	Pottawatomie	2.17
Dickinson	2.15	Reno	2.13
Doniphan	2.19	Republic	2.14
Douglas	2.17	Rice	2.13
Elk	2.16	Riley	2.17
Ellsworth	2.13	Russell	2.13
Franklin	2.17	Saline	2.14
Geary	2.15	Sedgwick	2.14
Greenwood	2.16	Shawnee	2.17
Harper	2.13	Sumner	2.14
Harvey	2.14	Wabaunsee	2.16
Jackson	2.18	Washington	2.15
Jefferson	2.18	Wilson	2.16
Jewell	2.13	Woodson	2.16
Johnson	2.18	Wyandotte	2.19
Kingman	2.13	All other counties	2.12
Labette	2.17		
Leavenworth	2.19		
Lincoln	2.14		

KENTUCKY

Ballard	$2.28	Fulton	$2.28
Calloway	2.24	Graves	2.26
Carlisle	2.28	Hancock	2.23
Crittenden	2.24	Henderson	2.24
Daviess	2.24	Hickman	2.28

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Livingston	$2.24	Union	$2.24
McCracken	2.26	Webster	2.23
Marshall	2.24	All other counties	2.22
McLean	2.23		

LOUISIANA

Parish	Rate per bushel	Parish	Rate per bushel
Acadia	$2.24	Morehouse	$2.26
Allen	2.23	Natchitoches	2.23
Ascension	2.28	Orleans	2.28
Assumption	2.25	Ouachita	2.25
Avoyelles	2.27	Plaquemines	2.28
Beauregard	2.22	Pointe Coupee	2.28
Bienville	2.23	Rapides	2.24
Bossier	2.22	Red River	2.23
Caddo	2.22	Richland	2.26
Calcasieu	2.22	Sabine	2.22
Caldwell	2.25	St. Bernard	2.28
Cameron	2.22	St. Charles	2.28
Catahoula	2.26	St. Helena	2.25
Claiborne	2.23	St. James	2.27
Concordia	2.28	St. John the Baptist	2.23
De Soto	2.22	St. Landry	2.26
East Baton Rouge	2.28	St. Martin	2.26
East Carroll	2.28	St. Mary	2.25
East Feliciana	2.25	St. Tammany	2.25
Evangeline	2.24	Tangipahoa	2.25
Franklin	2.26	Tensas	2.28
Grant	2.24	Terrebonne	2.25
Iberia	2.25	Union	2.25
Iberville	2.27	Vermillion	2.24
Jackson	2.24	Vernon	2.22
Jefferson	2.28	Washington	2.25
Jefferson Davis	2.23	Webster	2.23
Lafayette	2.25	West Baton Rouge	2.28
Lafourche	2.25	West Carroll	2.27
La Salle	2.25	West Feliciana	2.28
Lincoln	2.24	Winn	2.24
Livingston	2.28		
Madison	2.28		

MARYLAND

County	Rate per bushel	County	Rate per bushel
Anne Arundel	$2.26	Kent	$2.26
Baltimore	2.26	Prince Georges	2.26
Calvert	2.26	Queen Annes	2.26
Caroline	2.26	St. Marys	2.25
Cecil	2.26	Somerset	2.26
Charles	2.25	Talbot	2.26
Dorchester	2.26	Wicomico	2.26
Harford	2.26	Worcester	2.26
Howard	2.26	All other counties	2.23

MICHIGAN

Allegan	$2.20	Lapeer	$2.21
Arenac	2.19	Lenawee	2.27
Barry	2.20	Livingston	2.22
Bay	2.19	Macomb	2.22
Berrien	2.25	Macosta	2.18
Branch	2.24	Midland	2.18
Calhoun	2.22	Monroe	2.28
Cass	2.25	Montcalm	2.19
Clare	2.18	Muskegon	2.18
Clinton	2.20	Newaygo	2.18
Eaton	2.21	Oakland	2.22
Genesee	2.21	Oceana	2.18
Gladwin	2.18	Ottawa	2.19
Gratiot	2.19	Saginaw	2.19
Hillsdale	2.25	St. Clair	2.21
Huron	2.19	St. Joseph	2.24
Ingham	2.22	Sanilac	2.20
Ionia	2.20	Shiawassee	2.20
Iosco	2.18	Tuscola	2.20
Isabella	2.18	Van Buren	2.22
Jackson	2.23	Washtenaw	2.24
Kalamazoo	2.21	Wayne	2.25
Kent	2.19		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.15	Meeker	$2.20
Anoka	2.22	Mille Lacs	2.18
Becker	2.14	Morrison	2.16
Beltrami	2.12	Mower	2.22
Benton	2.18	Murray	2.19
Big Stone	2.17	Nicollet	2.23
Blue Earth	2.23	Nobles	2.20
Brown	2.22	Norman	2.13
Carlton	2.17	Olmsted	2.22
Carver	2.24	Otter Tail	2.14
Cass	2.15	Pennington	2.12
Chippewa	2.19	Pine	2.18
Chisago	2.20	Pipestone	2.18
Clay	2.14	Polk	2.12
Clearwater	2.13	Pope	2.17
Cottonwood	2.20	Ramsey	2.24
Crow Wing	2.15	Red Lake	2.12
Dakota	2.24	Redwood	2.20
Dodge	2.22	Renville	2.20
Douglas	2.16	Rice	2.22
Faribault	2.22	Rock	2.19
Fillmore	2.22	Roseau	2.11
Freeborn	2.22	Scott	2.24
Goodhue	2.22	Sherburne	2.21
Grant	2.16	Sibley	2.23
Hennepin	2.24	Stearns	2.18
Houston	2.22	Steele	2.22
Hubbard	2.13	Stevens	2.17
Isanti	2.20	Swift	2.17
Jackson	2.20	Todd	2.16
Kanabec	2.18	Traverse	2.16
Kandiyohi	2.19	Wabasha	2.22
Kittson	2.11	Wadena	2.14
Lac qui Parle	2.19	Waseca	2.22
Le Sueur	2.23	Washington	2.23
Lincoln	2.18	Watonwan	2.22
Lyon	2.19	Wilkin	2.14
McLeod	2.22	Winona	2.22
Mahnomen	2.13	Wright	2.21
Marshall	2.11	Yellow Medicine	2.20
Martin	2.21		

MISSISSIPPI

Adams	$2.28	Lee	$2.26
Alcorn	2.26	Leflore	2.28
Amite	2.28	Lincoln	2.28
Benton	2.27	Madison	2.28
Bolivar	2.28	Marshall	2.28
Calhoun	2.28	Montgomery	2.28
Carroll	2.28	Panola	2.28
Claiborne	2.28	Prentiss	2.26
Coahoma	2.28	Quitman	2.28
Copiah	2.28	Sharkey	2.28
De Soto	2.28	Sunflower	2.28
Franklin	2.28	Tallahatchie	2.28
Grenada	2.28	Tate	2.28
Hancock	2.28	Tishomingo	2.26
Harrison	2.28	Tunica	2.28
Holmes	2.28	Warren	2.28
Hinds	2.28	Washington	2.28
Humphreys	2.28	Wilkinson	2.28
Issaquena	2.28	Yalobusha	2.28
Itawamba	2.26	Yazoo	2.28
Jackson	2.28	All other counties	2.27
Jefferson	2.28		
Lafayette	2.28		

MISSOURI

Adair	$2.23	Cape Girardeau	$2.28
Andrew	2.20	Carroll	2.21
Atchison	2.20	Carter	2.24
Audrain	2.25	Cass	2.19
Barry	2.18	Cedar	2.18
Barton	2.18	Chariton	2.22
Bates	2.19	Christian	2.19
Benton	2.20	Clark	2.27
Bollinger	2.26	Clay	2.20
Boone	2.23	Clinton	2.20
Buchanan	2.20	Cole	2.22
Butler	2.27	Cooper	2.22
Caldwell	2.20	Crawford	2.23
Callaway	2.23	Dade	2.18
Camden	2.21		

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Dallas	$2.20	Newton	$2.18
Daviess	2.20	Nodaway	2.20
De Kalb	2.20	Oregon	2.24
Dent	2.22	Osage	2.22
Douglas	2.20	Ozark	2.22
Dunklin	2.28	Pemiscot	2.28
Franklin	2.25	Perry	2.28
Gasconade	2.23	Pettis	2.21
Gentry	2.20	Phelps	2.21
Greene	2.19	Pike	2.27
Grundy	2.21	Platte	2.20
Harrison	2.20	Polk	2.20
Henry	2.19	Pulaski	2.21
Hickory	2.20	Putnam	2.22
Holt	2.20	Ralls	2.27
Howard	2.22	Randolph	2.23
Howell	2.23	Ray	2.20
Iron	2.25	Reynolds	2.24
Jackson	2.19	Ripley	2.26
Jasper	2.18	St. Charles	2.27
Jefferson	2.28	St. Clair	2.19
Johnson	2.19	St. Francois	2.25
Knox	2.25	St. Louis	2.28
Laclede	2.20	Ste. Genevieve	2.28
Lafayette	2.19	Saline	2.21
Lawrence	2.18	Schuyler	2.23
Lewis	2.27	Scotland	2.25
Lincoln	2.27	Scott	2.28
Linn	2.22	Shannon	2.22
Livingston	2.21	Shelby	2.25
McDonald	2.18	Stoddard	2.28
Macon	2.23	Stone	2.19
Madison	2.25	Sullivan	2.22
Maries	2.21	Taney	2.20
Marion	2.27	Texas	2.21
Mercer	2.21	Vernon	2.18
Miller	2.21	Warren	2.25
Mississippi	2.28	Washington	2.25
Moniteau	2.22	Wayne	2.25
Monroe	2.25	Webster	2.20
Montgomery	2.24	Worth	2.20
Morgan	2.21	Wright	2.20
New Madrid	2.28		

NEBRASKA

Adams	$2.12	Madison	$2.15
Antelope	2.14	Merrick	2.13
Boone	2.13	Nance	2.13
Boyd	2.12	Nemaha	2.18
Burt	2.18	Nuckolls	2.13
Butler	2.16	Otoe	2.18
Cass	2.18	Pawnee	2.17
Cedar	2.15	Pierce	2.15
Clay	2.13	Platte	2.15
Colfax	2.16	Polk	2.15
Cuming	2.17	Richardson	2.18
Dakota	2.18	Saline	2.15
Dixon	2.17	Sarpy	2.18
Dodge	2.17	Saunders	2.17
Douglas	2.18	Seward	2.15
Fillmore	2.14	Stanton	2.16
Gage	2.16	Thayer	2.14
Greeley	2.12	Thurston	2.18
Hall	2.12	Washington	2.18
Hamilton	2.13	Wayne	2.16
Holt	2.12	Webster	2.12
Howard	2.12	Wheeler	2.12
Jefferson	2.15	York	2.14
Johnson	2.17	All other counties	2.11
Knox	2.15		
Lancaster	2.17		

NEW JERSEY

Atlantic	$2.23	Mercer	$2.23
Burlington	2.24	Middlesex	2.23
Camden	2.25	Monmouth	2.23
Cape May	2.23	Ocean	2.23
Cumberland	2.25	Salem	2.26
Gloucester	2.26	Somerset	2.22
Hunterdon	2.22	Warren	2.22

NEW MEXICO

All counties	$2.11

NEW YORK

All counties	$2.12

NORTH CAROLINA

County	Rate per bushel	County	Rate per bushel
Beaufort	$2.28	Lee	$2.25
Bertie	2.28	Lenoir	2.26
Bladen	2.24	Martin	2.28
Brunswick	2.24	Moore	2.24
Camden	2.28	Nash	2.27
Carteret	2.27	New Hanover	2.24
Chatham	2.25	Northampton	2.27
Chowan	2.28	Onslow	2.25
Columbus	2.24	Orange	2.24
Craven	2.27	Pamlico	2.27
Cumberland	2.24	Pasquotank	2.28
Currituck	2.28	Pender	2.24
Dare	2.28	Perquimans	2.28
Duplin	2.25	Pitt	2.27
Durham	2.25	Randolph	2.24
Edgecombe	2.28	Robeson	2.24
Franklin	2.26	Sampson	2.25
Gates	2.28	Scotland	2.24
Granville	2.24	Tyrrell	2.28
Greene	2.27	Vance	2.25
Halifax	2.27	Wake	2.26
Harnett	2.25	Warren	2.26
Hertford	2.28	Washington	2.28
Hoke	2.24	Wayne	2.26
Hyde	2.28	Wilson	2.27
Johnston	2.26	All other counties	2.23
Jones	2.26		

NORTH DAKOTA

Barnes	$2.10	Pembina	$2.11
Cass	2.13	Sargent	2.11
Cavalier	2.09	Steele	2.10
Grand Forks	2.12	Towner	2.09
Griggs	2.09	Traill	2.12
Nelson	2.10	Walsh	2.11
Ramsey	2.09	All other counties	2.08
Ransom	2.11		
Richland	2.13		

OHIO

Adams	$2.22	Jackson	$2.22
Allen	2.29	Jefferson	2.22
Ashland	2.26	Knox	2.25
Ashtabula	2.26	Lake	2.26
Athens	2.22	Lawrence	2.22
Auglaize	2.28	Licking	2.24
Belmont	2.22	Logan	2.28
Brown	2.22	Lorain	2.27
Butler	2.22	Lucas	2.31
Carroll	2.22	Madison	2.24
Champaign	2.27	Mahoning	2.24
Clark	2.25	Marion	2.28
Clermont	2.22	Medina	2.25
Clinton	2.22	Meigs	2.22
Columbiana	2.22	Mercer	2.27
Coshocton	2.23	Miami	2.26
Crawford	2.28	Monroe	2.22
Cuyahoga	2.26	Montgomery	2.24
Darke	2.26	Morgan	2.22
Defiance	2.28	Morrow	2.27
Delaware	2.26	Muskingum	2.22
Erie	2.29	Noble	2.22
Fairfield	2.22	Ottawa	2.31
Fayette	2.22	Paulding	2.28
Franklin	2.24	Perry	2.22
Fulton	2.30	Pickaway	2.22
Gallia	2.22	Pike	2.22
Geauga	2.26	Portage	2.25
Greene	2.24	Preble	2.24
Guernsey	2.22	Putnam	2.29
Hamilton	2.22	Richland	2.27
Hancock	2.29	Ross	2.22
Hardin	2.29	Sandusky	2.30
Harrison	2.22	Scioto	2.22
Henry	2.30	Seneca	2.29
Highland	2.22	Shelby	2.27
Hocking	2.22	Stark	2.24
Holmes	2.24	Summit	2.25
Huron	2.29	Trumbull	2.25

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Tuscarawas	$2.22	Washington	$2.22
Union	2.26	Wayne	2.25
Van Wert	2.28	Williams	2.28
Vinton	2.22	Wood	2.30
Warren	2.22	Wyandot	2.28

OKLAHOMA

Adair	$2.18	Nowata	$2.15
Cherokee	2.17	Osage	2.13
Choctaw	2.16	Ottawa	2.18
Craig	2.17	Pittsburgh	2.14
Delaware	2.18	Pushmataha	2.16
Haskell	2.16	Rogers	2.15
Latimer	2.16	Sequoyah	2.18
Le Flore	2.18	Tulsa	2.14
McCurtain	2.18	Wagoner	2.15
McIntosh	2.14	Washington	2.14
Mayes	2.17	All other counties	2.12
Muskogee	2.15		

PENNSYLVANIA

All counties	$2.18

SOUTH CAROLINA

Abbeville	$2.24	Hampton	$2.28
Aiken	2.26	Horry	2.24
Allendale	2.27	Jasper	2.28
Anderson	2.24	Kershaw	2.25
Bamberg	2.27	Lancaster	2.24
Barnwell	2.26	Laurens	2.25
Beaufort	2.28	Lee	2.25
Berkeley	2.28	Lexington	2.26
Calhoun	2.27	Marion	2.24
Charleston	2.28	Marlboro	2.24
Cherokee	2.24	McCormick	2.25
Chester	2.25	Newberry	2.25
Chesterfield	2.24	Oconee	2.24
Clarendon	2.27	Orangeburg	2.27
Colleton	2.28	Pickens	2.24
Darlington	2.25	Richland	2.26
Dillon	2.24	Saluda	2.25
Dorchester	2.28	Spartanburg	2.24
Edgefield	2.25	Sumter	2.26
Fairfield	2.25	Union	2.25
Florence	2.25	Williamsburg	2.26
Georgetown	2.26	York	2.24
Greenville	2.24		
Greenwood	2.25		

SOUTH DAKOTA

Bon Homme	$2.15	Lake	$2.15
Brookings	2.17	Lincoln	2.18
Charles Mix	2.13	Marshall	2.13
Clark	2.14	McCook	2.15
Clay	2.17	Miner	2.14
Codington	2.15	Minnehaha	2.18
Davison	2.13	Moody	2.17
Day	2.13	Roberts	2.15
Deuel	2.17	Sanborn	2.13
Douglas	2.13	Turner	2.16
Grant	2.17	Union	2.18
Hamlin	2.15	Yankton	2.15
Hanson	2.14	All other counties	2.12
Hutchinson	2.15		
Kingsbury	2.14		

TENNESSEE

Carroll	$2.23	Lake	$2.28
Chester	2.23	Lauderdale	2.28
Crockett	2.26	McNairy	2.23
Dyer	2.28	Madison	2.24
Fayette	2.26	Obion	2.26
Gibson	2.26	Shelby	2.28
Hardeman	2.24	Tipton	2.28
Haywood	2.26	Weakley	2.24
Henderson	2.23	All other counties	2.22
Henry	2.23		

TEXAS

Bowie	$2.19	Hardin	$2.21
Brazoria	2.20	Harris	2.22
Calhoun	2.16	Jackson	2.16
Cass	2.19	Jasper	2.21
Chambers	2.22	Jefferson	2.22
Fort Bend	2.20	Lamar	2.17
Galveston	2.22	Liberty	2.22

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Matagorda	$2.18	Tyler	$2.19
Montgomery	2.20	Waller	2.19
Newton	2.21	Washington	2.17
Orange	2.22	Wharton	2.18
Polk	2.19	All other counties	2.14
Red River	2.18		
San Jacinto	2.19		

VERMONT

All counties	$2.11

VIRGINIA

Accomack	$2.25	Chesterfield	$2.25
Amelia	2.24	Dinwiddie	2.26
Brunswick	2.26	Nansemond	2.28
Caroline	2.25	New Kent	2.25
Essex	2.25	Newport News City	2.25
Gloucester	2.25	Northampton	2.25
Goochland	2.24	Northumberland	2.25
Greensville	2.26	Nottoway	2.24
Hampton City	2.25	Powhatan	2.24
Hanover	2.26	Prince George	2.26
Henrico	2.25	Richmond	2.25
Isle of Wight	2.28	Southampton	2.27
James City	2.25	Surrey	2.28
King and Queen	2.25	Sussex	2.26
King George	2.25	Virginia Beach	2.28
King William	2.25	Warwick	2.25
Lancaster	2.25	Westmoreland	2.25
Lunenburg	2.24	York	2.25
Mathews	2.25	All other counties	2.23
Mecklenburg	2.24		
Middlesex	2.25		
Charles City	2.25		
Chesapeake City	2.28		

WEST VIRGINIA

All counties	$2.20

WISCONSIN

Adams	$2.19	Marquette	$2.20
Barron	2.17	Menominee	2.18
Brown	2.18	Milwaukee	2.24
Buffalo	2.18	Monroe	2.19
Burnett	2.16	Oconto	2.18
Calumet	2.19	Oneida	2.16
Chippewa	2.17	Outagamie	2.18
Clark	2.17	Ozaukee	2.23
Columbia	2.22	Pepin	2.18
Crawford	2.21	Pierce	2.18
Dane	2.23	Polk	2.17
Dodge	2.23	Portage	2.18
Door	2.17	Price	2.16
Douglas	2.16	Racine	2.25
Dunn	2.18	Richland	2.21
Eau Claire	2.18	Rock	2.25
Fond du Lac	2.21	Rusk	2.16
Grant	2.22	St. Croix	2.17
Green	2.24	Sauk	2.21
Green Lake	2.20	Sawyer	2.16
Iowa	2.22	Shawano	2.18
Jackson	2.19	Sheboygan	2.21
Jefferson	2.24	Taylor	2.16
Juneau	2.19	Trempealeau	2.18
Kenosha	2.26	Vernon	2.20
Kewaunee	2.17	Walworth	2.25
La Crosse	2.19	Washburn	2.16
Lafayette	2.23	Washington	2.23
Langlade	2.17	Waukesha	2.24
Lincoln	2.16	Waupaca	2.18
Manitowoc	2.19	Waushara	2.19
Marathon	2.17	Winnebago	2.19
Marinette	2.17	Wood	2.18

(b) *Premium—Low Moisture.*

Percent:	Cents per bushel
12.2 or less	+2
12.3 through 12.7	+1
12.8 through 13.0	0

(c) *Discounts*—(1) *Class.*

Class:	Cents per bushel
Black	−25
Brown	−25
Mixed	−25

(2) *Moisture.*

Percent:	Cents per bushel
13.1 through 13.5	−1
13.6 through 14.0	−2

(3) *Test weight per bushel.*

Pounds:	Cents per bushel
53.0 through 53.9	− ½
52.0 through 52.9	−1
51.0 through 51.9	−1½
50.0 through 50.9	−2
49.0 through 49.9	−2½

(4) *Splits.*

Percent:	Cents per bushel
20.1 thorugh 25.0	− ¼
25.1 through 30.0	− ½
30.1 through 35.0	− ¾
35.1 through 40.0	−1

(5) *Damaged kernels.*[1]

Heat (percent):	Cents per bushel
0.6 through 1.0	−1
1.1 through 1.5	−2
1.6 through 2.0	−3
2.1 through 2.5	−4
2.6 through 3.0	−5
Total (percent):	
2.1 through 3.0	− ½
3.1 through 4.0	−1
4.1 through 5.0	−1½
5.1 through 6.0	−2
6.1 through 7.0	−2½
7.1 through 8.0	−3

	Cents per bushel
(6) Materially weathered	− 5
(7) Stained	− 2
(8) Purple mottled	− 2
(9) Weed control laws. (Where required by § 1421.25)	−10

[1] Use column which yields the higher applicable discount.

(10) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the soybeans, such as (but not limited to) moisture, musty, sour, and heating. Such discounts will be established not later than the time delivery of soybeans to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

Effective date: Upon publication in the FEDERAL REGISTER (5-27-72).

Signed at Washington, D.C., May 18, 1972.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-8005 Filed 5-26-72;8:45 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[72-603]

PART 545—OPERATIONS

Loans on Single-Family Dwellings

MAY 23, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1) for the purpose of increasing the dollar limits on certain loans which can be made by Federal savings and loan associations on the security of single-family dwellings, as follows:

1. With respect to a loan which is in an amount in excess of 80 percent of the value of the security property, to increase the limit thereon from $30,000 to $36,000. and

2. With respect to a loan which is in an amount in excess of 90 percent of the value of the security property, to increase the limit thereon from $30,00 to $36,000.

Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.6–1 by revising subparagraphs (4) (ii) and (5) (i) of paragraph (a) thereof to read as follows, effective June 1, 1972:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6–13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property* * * *

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan with respect to which the following requirements are met:

* * * * *

(ii) The amount of the loan does not exceed the lesser of: (*a*) $45,000, (*b*) 90 percent of the value of the real estate securing the loan, or (*c*) 90 percent of the purchase price of such security property;

* * * * *

(5) *Loans in excess of 90 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 95 percent in the case of any loan with respect to which the requirements set forth in subdivisions (i), (iii), (iv), (v), (vi), and (viii) of subparagraph (4) of this paragraph are met and with respect to which the following additional requirements are met:

(i) The amount of the loan does not exceed the lesser of: (*a*) $36,000, (*b*) 95 percent of the value of the real estate securing the loan, or (*c*) 95 percent of the purchase price of such security property;

* * * * *

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

Resolved further, that, since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.72–8091 Filed 5–26–72;8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. Export Reg., Amdt. 37]

PART 373—SPECIAL LICENSING PROCEDURES

PART 379—TECHNICAL DATA

Miscellaneous Amendments

13th Gen. Rev. of the Export Regulations (Amdt. 37), Parts 373 and 379 are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: June 1, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

1. Supplement No. 2 to Part 373 is amended by adding the destination "Hong Kong" thereto.

2. In § 379.4, paragraph (c) (3) and paragraph (e) (1) (iii) (*e*) are amended to read as follows:

§ 379.4 General License GTDR: Technical data under restriction.

* * * * *

(c) * * *

(3) Neutron generator tubes designed for operation without external vacuum system, and utilizing electrostatic acceleration to induce a tritium deuterium nuclear reaction, and equipment containing these tubes; and specially designed parts, n.e.c.; and

* * * * *

(e) * * *

(1) * * *

(iii) * * *

(*e*) Rotary drill rigs incorporating rotary tables and with drawworks designed for an input of 150 hp. and over (other than truck-mounted drill rigs incorporating rotary tables with drawworks designed for an input of 150 hp. and over (other than truck-mounted drill rigs incorporating rotary tables with drawworks designed for an input of up to 900 horsepower), drift indicators containing gyroscopes or cameras, and work-over rigs (Export Control Commodity Nos. 718 and 732);

* * * * *

[FR Doc.72–8071 Filed 5–26–72;8:47 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965–__)

Subpart C—Exclusions, Recovery of Overpayment, and Liability of a Certifying Officer

Subpart D—Principles of Reimbursement for Provider Costs and Services by Hospital-Based Physicians

PROVIDER REVIEW PROCEDURES AND SUSPENSION OF PAYMENTS UNDER MEDICARE

On January 5, 1972, there was published in the FEDERAL REGISTER (37 F.R. 89), a notice of proposed rule making with proposed amendments to Subpart C and Subpart D of Regulations No. 5 of the Social Security Administration. The proposed amendments would: (1) Require intermediaries to institute review procedures for providers dissatisfied with intermediaries' determinations on cost reports; and (2) provide that payments to providers and suppliers of services could be suspended to recover overpayments to them only after such providers and suppliers have been afforded an opportunity to present evidence on the issue of the overpayment, and where a suspension of payments is put into effect there would be an expeditious settlement of the issues involved.

All comments submitted with respect to the proposed amendments were considered and the following changes were made as a result of the comments received: Section 405.492 specifies that at

least $1,000 of program reimbursement would have to be in issue before a provider could have a hearing on an intermediary's determination on a cost report. Section 405.499c makes it clear that the hearing officer's decision must be based on the evidence in the record. Two new sections have been added (§§ 405.499g and 405.499h) which would attach finality to a hearing officer's decision after a 3-year period before the end of which the decision could be revised by a hearing officer if he found the decision to be incorrect, or would have to be revised at the request of the Social Security Administration if it found that the decision was not in accord with the law, regulations, or general instructions. Consistent with this policy, a similar rule of finality is included for an intermediary's determinations on cost reports which are not the subject of a hearing. Section 405.499i also has been added to specify that an intermediary's determination that no payment may be made for expenses incurred for items or services furnished to an individual by reason of the provisions of Subpart C is reviewable only under the rules in Subparts G and H and not by a hearing officer appointed pursuant to § 405.495. Minor language changes were made throughout the regulations in the interest of greater clarity, to eliminate ambiguity, and to take into account the three sections that were added to the regulations.

Accordingly, the regulations are, with the aforementioned changes, hereby adopted and are set forth below.

(Secs. 1102, 1815, 1871, 49 Stat. 647 as amended, 79 Stat. 296, 322, 331 as amended; 42 U.S.C. 1302, 1395 et seq.)

Effective date. The regulations as set forth below shall be effective upon publication in the FEDERAL REGISTER (5–27–72).

Dated: May 5, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 22, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulation No. 5 of the Social Security Administration (20 CFR Part 405) is further amended as follows:

1. The heading to Subpart C is revised to read as follows: Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer, and Suspension of Payment.

2. Section 405.301 is revised to read as follows:

§ 405.301 Scope of subpart.

Sections 405.310 to 405.320 describe certain exclusions from coverage applicable to hospital insurance benefits (part A of title XVIII) and supplementary medical insurance benefits (part B of title XVIII). The exclusions in this subpart are applicable in addition to any other conditions and limitations in this part 405 and in title XVIII of the Act. Sections 405.350 to 405.359 relate to the adjustment or recovery of an incorrect payment, or a payment made under section 1814(e) of the Health Insurance for the Aged Act. Sections 405.370 to 405.373 relate to the suspension of payments to a provider of services or other supplier of services where there is evidence that such provider or supplier has been or may have been overpaid.

3. New §§ 405.370–405.373 are added to read as follows:

§ 405.370 Suspension of payments to providers of services and other suppliers of services.

(a) Payments otherwise authorized to be made to providers of services and other suppliers of services in accordance with Subpart A or Subpart B of this Part 405 (but excluding payments to entitled individuals and payments under § 405.251 (a)) may be suspended, in whole or in part, by an intermediary or a carrier when:

(1) The intermediary or carrier has determined that the provider or other supplier to whom such payments are to be made has been overpaid under title XVIII of the Social Security Act, or

(2) The intermediary or carrier has reliable evidence, although additional evidence may be needed for a determination, that such overpayment exists or that the payments to be made may not be correct.

(b) A suspension shall be put into effect only after the provisions in §§ 405.371 and 405.372 have been complied with and the intermediary or carrier has determined that the suspension of payments, in whole or in part, is needed to protect the program against financial loss. The provisions of this section and §§ 405.371–405.373 shall be effective on May 27, 1972.

§ 405.371 Proceeding for suspension.

(a) *General.* Whenever the intermediary or carrier has determined that a suspension of payments under § 405.370 should be put into effect with respect to a provider of services or other supplier of services, the intermediary or carrier shall notify the provider or other supplier of its intention to suspend payments, in whole or in part, and the reasons for making such suspension. The provider or other supplier will be given the opportunity to submit any statement (including any pertinent evidence) as to why the suspension shall not be put into effect and shall have 15 days following the date of notification to submit such statement, unless the intermediary or carrier for good cause imposes a shorter period. The intermediary or carrier may, for good cause shown, extend the time within which the statement may be submitted. If no statement is received within the 15-day period or such other period as specified in the notice, the suspension shall go into effect.

(b) *Fraud or misrepresentation.* The provisions of paragraph (a) of this section shall not apply where the intermediary or carrier has reliable evidence that the circumstances giving rise to the need for a suspension of payments involves fraud or willful misrepresentation. Instead, the intermediary or carrier may suspend payments without first notifying the provider or other supplier of an intention to suspend payments. The provider or other supplier will be notified of such suspension and the reasons for taking such action.

(c) *Notice of amount of program reimbursement.* The provisions of paragraph (a) of this section shall not apply where the intermediary, after furnishing a provider a written notice of the amount of program reimbursement pursuant to § 405.491, suspends payment under paragraph (b) of such § 405.491.

(d) *Failure to furnish information requested.* The provisions of paragraph (a) of this section shall not apply where the intermediary or carrier suspends payments to a provider or other supplier of services because such provider or supplier of services has failed to submit evidence requested by such intermediary or carrier which is needed to determine the amounts due such provider or supplier under the program (sections 1815 and 1833(e) of the Act).

§ 405.372 Submission of evidence and notification of administrative determination to suspend.

When pursuant to § 405.371(a) the provider or other supplier submits a statement, the intermediary or carrier shall consider such statement (including any pertinent evidence submitted), together with any other material bearing upon the case, and make a determination as to whether the facts justify a suspension authorized by § 405.373. If the intermediary or carrier determines that a suspension should go into effect, written notice of such determination will be sent to the provider or other supplier. Such notice will contain specific findings on the conditions upon which the suspension was based, and an explanatory statement for the final decision.

§ 405.373 Subsequent action by intermediary or carrier.

(a) Where a suspension is put into effect by reason of § 405.370(a)(1), such suspension shall remain in effect until whichever of the following first occurs: (1) The overpayment is liquidated, (2) the intermediary or carrier enters into an agreement with the provider or other supplier for liquidation of the overpayment, or (3) the intermediary or carrier, on the basis of subsequently acquired evidence or otherwise, determines that there is no overpayment; except that the intermediary or carrier may at any time adjust such suspension for an appropriate period if it determines that continuation of the suspension would cause irreparable harm to the provider or other supplier.

(b) Where the suspension is put into effect by reason of § 405.370(a)(2), the intermediary or carrier will take timely action after such suspension to obtain such additional evidence it may need to make a determination as to whether an overpayment exists or the payments may be made (i.e., evidence from the records

of the provider or other supplier of services). All reasonable efforts will be made by the intermediary or carrier to expedite such determinations. As soon as such determination is made, the provider or other supplier will be informed and, where appropriate such suspension will be rescinded or adjusted to take into account such determination. If such suspension is not rescinded, it shall remain in effect as specified in paragraph (a) of this section.

(c) The provisions of this section shall not apply where the intermediary or carrier, in suspending payments pursuant to § 405.370, has reliable evidence that the circumstances giving rise to such suspension involve fraud or serious misrepresention.

4. The heading to Subpart D is amended to read as follows:

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

5. New §§ 405.490–405.499i are added to read as follows:

§ 405.490 Intermediary-provider reimbursement determination hearing procedure.

Under its agreement with the Secretary of Health, Education, and Welfare, each intermediary is required to establish and maintain procedures for resolving any issue which may arise between the intermediary and a provider as to the amount of program reimbursement due the provider or due the health insurance program. These procedures shall provide for a hearing on the intermediary's reasonable cost determination contained in a notice of program reimbursement (see § 405.491) when a timely filed request for a hearing on this determination is made by the provider. Each intermediary must set forth its hearing procedure in writing and furnish written notice of the availability of the procedure to the providers it services. Except as otherwise provided in § 405.499g, the provisions of this section and §§ 405.491–405.499i shall be effective with cost reporting periods ending on or after December 31, 1971.

§ 405.491 Notice of amount of program reimbursement.

(a) Upon receipt of a provider's cost report, or amended cost report where permitted or required, the intermediary shall as expeditiously as possible analyze the report and thereafter commence any necessary audit of the report. Following receipt and analysis of any audit findings pertaining to the report, the intermediary shall furnish the provider a written notice of amount of program reimbursement. The notice shall (1) explain the intermediary's determination of total program reimbursement due the provider for the reporting period covered by the cost report or amended cost report; (2) relate this determination to the provider's claimed total reimburseable costs for this period; (3) explain the amount(s) and the reason(s) why, by appropriate reference to law, regulations, or program policy and procedure, this determination may differ from the provider's claim; and (4) inform the provider of its right to have the determination reviewed at a hearing.

(b) The intermediary's determination as contained in a notice of amount of program reimbursement shall constitute the basis for making the retroactive adjustment (required by § 405.454(f)) to any program payments made to the provider during the period to which the determination applies, including the suspending of further payments to the provider in order to recover, or to aid in the recovery of, any overpayment identified in the determination to have been made to the provider, notwithstanding any request for hearing on the determination the provider may make under § 405.492 (a). Any such suspension shall remain in effect as specified in § 405.373(a).

§ 405.492 Right to hearing on a notice of program reimbursement determination.

(a) A provider who has been furnished a notice of amount of program reimbursement may request an intermediary hearing if (1) he is dissatisfied with the intermediary's determination contained in such notice and (2) the amount of program reimbursement in issue is $1,000 or more. Such request must be in writing and be filed with the intermediary within 60 calendar days after the date of the notice of program reimbursement.

(b) Such request must (1) identify the aspect(s) of the determination with which the provider is dissatisfied, and (2) explain why the provider believes the determination on these matters is incorrect, and (3) be submitted with any documentary evidence the provider considers necessary to support its position.

(c) Following the timely filing of the request for hearing, the provider may identify in writing, prior to the onset of the hearings proceedings, additional aspects of the determination with which it is dissatisfied and furnish any documentary evidence in support thereof.

§ 405.493 Failure to timely request a hearing on a notice of program reimbursement determination.

Where a provider requests a hearing on a notice of amount of program reimbursement determination after the time limit prescribed in § 405.492(a), the designated individual(s) of the intermediary responsible for the hearing procedure shall dismiss the request and furnish the provider a written notice which explains the time limitation, except that for good cause shown the time limit prescribed in § 405.492(a) may be extended. However, no such extension shall be granted if such request is filed more than 3 years after the date of the notice of program reimbursement.

§ 405.494 Parties to the hearing.

The parties to the hearing shall be the provider and any other person who makes a showing that his rights may be prejudiced by the hearing officer's decision. Neither the intermediary nor the Social Security Administration may be made a party.

§ 405.495 Hearing officer or panel of hearing officers.

The hearing provided for in § 405.492 shall be conducted by a hearing officer or panel of hearing officers designated by the intermediary. Such hearing officer or officers shall be persons knowledgeable in the field of health care reimbursement. The hearing officer or officers shall not have had any direct responsibility for the program reimbursement determination with respect to which a request for hearing is filed.

§ 405.496 Conduct of hearing.

The hearing shall be open to the provider, its representatives, intermediary representatives, and representatives of the Bureau of Health Insurance. The hearing officer(s) shall inquire fully into all of the matters at issue and shall receive into evidence the testimony and any documents which are relevant and material to such matters. If the hearing officer(s) believe that there is relevant and material evidence available which has not been presented at the hearing, he (they) may at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer(s).

§ 405.497 Prehearing discovery and other prehearing proceedings.

(a) Prehearing discovery, including inspection of audit workpapers, shall be permitted upon timely request of the provider or his representative. To be timely a request for discovery and inspection shall be made before the beginning of the hearing. A reasonable time for inspection and reproduction of documents shall be provided by order of the hearing officer(s).

(b) If, in the discretion of the hearing officer(s), the purpose of defining the issues more clearly would be served, the hearing officer(s) may schedule a prehearing conference.

§ 405.498 Evidence.

Evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer(s) shall rule on the admissibility of evidence.

§ 405.499 Witnesses.

The hearing officer(s) may examine the witnesses and shall allow the parties or their representatives to do so. Parties to the proceedings may also cross-examine witnesses.

§ 405.499a Record of hearing.

A complete record of the proceedings at the hearing shall be made and transcribed in all cases. It shall be made available to the provider upon request. The record will not be closed until a decision (see § 405.499c) has been issued.

§ 405.499b Authority of hearing officer(s).

The hearing officer(s) in exercising their authority must comply with all the provisions of title XVIII of the Act and regulations issued thereunder as well as with general instructions issued by the Social Security Administration in accordance with the Secretary's agreement with the intermediary. (See § 405.499g(c).)

§ 405.499c Hearing decision and notice.

The hearing officer(s) shall render a decision in writing based on the evidence in the record. In such decision he will cite applicable law, regulations, and Social Security Administration general instructions as well as findings on all the matters in issue at the hearing. A copy of the decision will be provided all parties to the hearing.

§ 405.499d Effect of hearing decision.

The hearing decision provided for in § 405.499c shall be final and binding upon all parties to the hearing unless it is reopened and corrected in accordance with § 405.499g.

§ 405.499e Appointment of representative.

A provider may appoint as its representative any person to act as representative at the proceedings conducted in accordance with § 405.490ff.

§ 405.499f Authority of representative.

A representative appointed by a provider may accept or give on behalf of the party he represents any request or notice relative to any proceeding before the intermediary. A representative shall be entitled to present evidence and allegations as to facts and law in any proceeding affecting the party he represents and to obtain information with respect to a request for hearing made in accordance with § 405.492(a) to the same extent as the party he represents. Notice to a provider of any action, determination, or decision, or a request for the production of evidence by the intermediary sent to the representative of the provider shall have the same force and effect as if it had been sent to the provider.

§ 405.499g Reopening of an intermediary's determination on the amount of program reimbursement and a decision of a hearing officer.

(a) *Reopening a determination.* A determination on the amount of program reimbursement contained in a notice of program reimbursement may be reopened by the intermediary, either on its own motion or at the request of the provider, at any time within 3 years of the date of such notice to correct the amount of program reimbursement due the provider or due the health insurance program. No such determination may be reopened after such 3-year period except as provided in paragraph (d) of this section.

(b) *Reopening a decision.* A decision of a hearing officer or panel of hearing officers may be reopened with respect to findings on matters in issue at the hearing, by such officer or such panel, as the case may be, either on the motion of such officer or panel or on the motion of a party to the hearing, at any time within 3 years of the date of the notice of hearing decision, to correct any matter in issue at the hearing. No such decision may be reopened after such 3-year period except as provided in paragraph (d) of this section. If the hearing officer or a majority of such panel is unavailable for reasons including death, termination of employment, illness, or leave of absence, the intermediary may select another hearing officer or, where a panel is involved, such number of hearing officers as may be necessary so that a majority of such panel is constituted.

(c) *Reopening by the intermediary.* A determination, as specified in paragraph (a) of this section, and a decision, as specified in paragraph (b) of this section, shall be reopened and corrected by an intermediary if, within 3 years of the date specified in paragraph (a) or (b) of this section, as the case may be, the Social Security Administration notifies the intermediary that such determination or such decision is inconsistent with the applicable law, regulations, or general instructions issued by the Social Security Administration in accordance with the Secretary's agreement with the intermediary.

(d) *Reopening because of fraud.* Notwithstanding the provisions of paragraphs (a), (b), or (c) of this section, a determination or a decision shall be reopened and corrected by the intermediary at any time if it is found that such determination or decision was procured by fraud or similar fault by the provider or any other person.

(e) *Applicability.* The provisions of this section shall apply to cost reporting periods ending on or after December 31, 1971. The provisions of this section shall also be applicable to any cost reporting period ending before December 31, 1971, and for any such period the 3-year period referred to in this section shall commence on the date of the intermediary's final determination on the cost report filed for such cost reporting period.

§ 405.499h Notice of reopening and correction.

(a) *Notice.* When any determination or decision is reopened as provided in § 405.499g, notice of such reopening shall be mailed to the provider or, in case of a decision, to the parties to such decision at their last known addresses. When a correction is made following the reopening, a notice of correction shall likewise be mailed and shall state the basis for the correction.

(b) *Effect of a correction.* Where a correction is made in a determination on the amount of program reimbursement after such determination has been reopened as provided in § 405.499g, such correction shall be considered a separate and distinct determination to which the provisions of §§ 405.492–405.499f are applicable.

§ 405.499i Nonreviewable issues.

The initial determination of an intermediary that no payment may be made for any expenses incurred for items or services furnished to an individual by reason of the provisions of Subpart C of this part shall not be reviewed by a hearing officer(s) appointed pursuant to § 405.495. Such determination shall be reviewed only in accordance with the provisions of Subparts G and H of this part.

[FR Doc.72-8060 Filed 5-26-72;8:49 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order; Correction

In F.R. Doc. 72-6634, published May 2, 1972 (37 F.R. 8872), insert "applies without reference" between "Act" and "to the Fair Labor Standards Amendments of 1961." in § 690.2(a).

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-8066 Filed 5-26-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

CONSUMER PRODUCT INFORMATION PROGRAM

Action prescribed to acquire consumer-type information on Federal specification items procured by Federal Supply Service for dissemination to the public.

PART 5A-1—GENERAL

Part 5A-1 is amended by the addition of new Subpart 5A-1.70, as follows:

Subpart 5A-1.70—Consumer Product Information

Sec.
5A-1.7001 Scope of subpart.
5A-1.7002 Applicability.
5A-1.7003 Policy.
5A-1.7004 Method of soliciting information.

AUTHORITY: The provisions of this Subpart 5A-1.70 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c).

Subpart 5A-1.70—Consumer Product Information

§ 5A-1.7001 Scope of subpart.

(a) Executive Order 11566, October 26, 1970, outlines the policies and responsibilities for making consumer product information available to the public through the Consumer Product Information Coordinating Center (CPICC), General Services Administration.

(b) This subpart prescribes procedures for solicitation of information by FSS buying activities in support of the

program established within the Federal Supply Service for carrying out the purposes of the executive order.

§ 5A–1.7002 Applicability.

The provisions of this subpart apply to all procurements of the Federal Supply Service. However, it must be remembered that participation by contractors is purely voluntary. Nothing in these instructions is to be construed as affecting or modifying existing policies and regulations governing FSS procurements.

§ 5A–1.7003 Policy.

(a) Product information shall be solicited from successful offerors only.

(b) Products for which information will be solicited shall be those contained in the current list of consumer interest items developed and distributed by the Office of Standards and Quality Control (FMC) and titled "Federal Specifications Covering Consumer-type Products."

§ 5A–1.7004 Method of soliciting information.

The letter exhibited in § 5A–76.318 together with GSA Form 2737, Brand Name Information, illustrated in § 5A–16.950–2737, shall be used to solicit the requested information and shall be sent as an inclosure to the award of contract. Data commencing with the contract number through and including the Federal stock number(s) shall be completed by the buying activity. Balance of the information requested is for completion by the contractor. A copy of the letter and GSA Form 2737 shall be retained in the procurement case file. As indicated in the letter the contractor's response will be directed to FMC; therefore, no further action by FSS buying activities is required.

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended by the addition of the following new entry:

Sec.
5A–16.950–2737 GSA Form 2737, Brand Name Information.

PART 5A–76—EXHIBITS

The table of contents for Part 5A–76 is amended by the addition of the following new entry:

Sec.
5A–76.318 Format of letter to transmit GSA Form 2737, Brand Name Information (§ 5A–1.7004).

NOTE: Copies of the form illustrated in § 5A–16.950–2737 and the format exhibited in § 5A–76.318 are filed with the original document.

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

Effective date. These regulations are effective on the date shown below.

Dated: May 18, 1972.

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

[FR Doc.72–8077 Filed 5–26–72;8:50 am]

Chapter 15—Environmental Protection Agency

PART 15–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 15–2.4—Opening of Bids and Award of Contract

PART 15–3—PROCUREMENT BY NEGOTIATION

Subpart 15–3.51—Protests Against Awards

Protests against award, § 15–2.407–8, Chapter 15, Title 41, of the Code of Federal Regulations is hereby amended to take cognizance of the revisions to the Bid Protest Procedures and Standards of the General Accounting Office.

Subpart 15–2.4—Opening of Bids and Award of Contract

§ 15–2.407–8 Protests against award.

(a) *Protests before award.* When a protest is received by the Contracting Officer, he will prepare a protest file and forward it, in duplicate, through procurement channels to the Director, Contracts Management Division, by the most expeditious means and marked "IMMEDIATE ACTION—PROTEST BEFORE AWARD." The protest file will include the following:

(1) Statement of the Director of Contracting Operations containing recommendations (with supporting reasons) as to the merits of the protest, addressing each allegation of the protest;

(2) Contracting Officer's statement of facts and circumstances including a discussion of the merits addressing each allegation of the protest;

(3) Contracting Officer's conclusions and recommendations including documentary evidence on which based;

(4) Copy of the Invitation for Bids (IFB) or Request for Proposal (RFP);

(5) Copy of the abstract of bids or proposals;

(6) Copy of the bid or proposal of the offeror to whom the award is proposed to be made;

(7) Copy of the bid or proposal by the protester, if any;

(8) Current status of award;

(9) Copies of notice of protest given bidders and other persons, if any;

(10) Name and telephone number of the person in the procurement office who may be contacted for information relevant to the protest; and

(11) Technical evaluation report, if relevant.

(i) The file shall be assembled in an orderly manner including an overall index of enclosures which shall indicate the location in the file of each document.

(ii) Sufficient additional copies of the protest and supporting papers shall be provided to satisfy the requirements of paragraph (c) of this section.

(b) *Protests after award.* All formal protests after award will be processed, in duplicate, through procurement channels to the Director, Contracts Management Division, by the most expeditious means and marked "IMMEDIATE ACTION—PROTEST AFTER AWARD." The protest file will include the materials listed in paragraph (a) of this section except for subparagraphs (6), (8), and (9) of this paragraph with following substituted therefor:

* * * * *

(6) Copy of the bid or proposal of the offeror to whom award has been made;

(8) Current status of contract, indicating whether performance has commenced, shipment or delivery has been made, or stop-work order has been issued; and

(9) Copy of any mutual agreement with the contractor to suspend performance.

(i) Sufficient additional copies of the protest and supporting papers shall be provided to satisfy the requirements of paragraph (c) of this section.

(c) *Protests lodged with General Accounting Office.* (1) When a protest is lodged with the General Accounting Office (GAO), it is EPA policy to strictly observe the Interim Bid Protest Procedure and Standards promulgated by GAO (36 F.R. 24971 et seq., December 23, 1971; 4 CFR Part 20).

(2) Upon receipt of information that a protest has been lodged with GAO, the Contracting Officer shall promptly so notify the contractor and/or all bidders or proposers who, in the opinion of the Contracting Officer, appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. Except to the extent that withholding of information is permitted or required by law, the Contracting Officer shall also furnish such parties copies, when received, of the original protest and of additional information filed by the protester in support of the protest.

(3) The protest file, supplemented as necessary by Contracts Management Division, shall be furnished as the administrative report required by GAO in bid protest cases. The report to GAO shall be routed through the Director, Contracts Management Division, who will effect coordination with the Office of General Counsel. The letter transmitting the protest file to GAO will be signed by the Assistant Administrator for Planning and Management. Supplemental submissions will be made by the Director, Contracts Management Division.

(4) At the time the report or any supplemental submission is furnished to GAO, a copy of it will be furnished by Contracts Management Division to each contractor, bidder or proposer who is entitled to receive notice of the bid protest under subparagraph (2) of this paragraph. Such parties shall be advised that any comments they care to make should be filed with the Office of General Counsel, GAO within 10 days after receipt, and shall be requested to furnish a copy of such comments to Director, Contracts Management Division.

(d) *Protests lodged with other authorities.* Where a protest is lodged with the Environmental Protection Agency, a Member of Congress, or the Small Business Administration (see § 1–1.703–2 of

this title), the protest file will be processed, in duplicate, through procurement channels, to the Director, Contracts Management Division. The latter will direct such coordination and referrals as he deems appropriate. Sufficient additional copies of the protest and supporting papers shall be provided to satisfy the requirements of paragraph (c) of this section.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

Subpart 15–3.51, Protests Against Award, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

Subpart 15–3.51—Protests Against Award

§ 15–3.5100 Protests against award.

Protests against awards of negotiated procurements shall be treated substantially in accordance with § 15–2.407–8.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

Effective date. These regulations will become effective on its date of publication in the FEDERAL REGISTER (5–27–72).

Dated: May 24, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72–8055 Filed 5–26–72;8:47 am]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1015—STANDARDS OF CONDUCT FOR EMPLOYEES

Outside Employment

Part 1015 of Chapter X of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 1015.735–17(e)(4) is revised to read as follows:

§ 1015.735–17 Outside employment.

* * * * *

(e) * * *

(4) This paragraph does not apply to an employee appointed by the President, by and with the advice and consent of the Senate. Such persons may not hold an office in a State or local government during their appointment to OEO.

* * * * *

(Sec. 602, 78 Stat. 528; 42 U.S.C. 2942; 18 U.S.C. 208; and E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supp.; 5 CFR 735.104)

PHILLIP V. SANCHEZ,
Director.

NOTE: This amendment was approved by the Civil Service Commission on May 5, 1972, and becomes effective on publication in the FEDERAL REGISTER (5–27–72).

[FR Doc.72–8042 Filed 5–26–72;8:48 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–8; Notice 72–3]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Brake System and Emergency Brake Performance Rules

Correction

In F.R. Doc. 72–3658 appearing at page 5250 in the issue of Saturday, March 11, 1972, in § 393.52(d) under service brake systems the entry in the third column for item (3) under "A. Passenger-carrying vehicles" should read "25".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72–WE–1–AD, Amdt. 39–1453]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–9 Series and C–9A (DC–9–32F) Airplanes

Amendment 39–1414 (37 F.R. 6182), AD 72–3–5, requires certain repetitive inspections and modifications of the elevator boost cylinder rod end assembly, P/N 4918153–1, on Douglas Model DC–9–10, 20, 30, 40 series and C–9A (DC–9–32F) airplanes. After issuance of amendment 39–1414, the agency has determined that the modifications to the elevator boost cylinder rod end assembly, P/N 4918153–1, described in Douglas Service Bulletin S.B. 27–146, Revision 1, dated December 20, 1971, constitute an appropriate terminating action when accomplished. The AD is being amended to provide for this terminating action.

Paragraph C(1) of AD 72–3–5 requires removal of cadmium plating prior to conducting a Rockwell material hardness test, per the Douglas Service Bulletin. The manufacturer has developed a test procedure for determining the material hardness without removal of the cadmium plating. A revision to the Douglas Service Bulletin, to be issued in the near future, will reflect this change in the procedures. The agency has determined that this step in paragraph C(1) may be deleted, and the AD is being amended accordingly. As the AD provides for later FAA-approved revisions to the Service Bulletin, no further amendment to the AD is necessary.

Since this amendment provides relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1414 (37 F.R. 6182), AD 72–3–5, is amended as follows:

(1) Amend paragraph (C)(1), by deleting that sentence which begins, "Remove cadmium plating * * *".

(2) Add new paragraph (D) as follows:

(D) The requirements of this AD may be discontinued upon accomplishment of the inspections and modifications specified in S.B. 27–146, Revision 1, or later FAA-approved revisions or equivalent inspections and modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective on May 31, 1972.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 17, 1972.

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

[FR Doc.72–8033 Filed 5–26–72;8:47 am]

[Docket No. 10453, Amdts. Nos. 61–56, 121–91]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Training Requirements

The purpose of these amendments to Parts 61 and 121 of the Federal Aviation Regulations is to permit greater use of simulators in the conduct of training and flight checks under Appendix A to Part 61 and Appendices E and F to Part 121, and to clarify certain requirements of Subpart O of Part 121 as adopted by Amendment 121–55 (35 F.R. 84, effective February 2, 1970). These amendments are also applicable to air travel club operations governed by Part 123, and to air taxi operations using large aircraft, as provided in § 135.2.

In adopting Amendment 121–55, the FAA noted its awareness of the rapidly developing field of simulator technology, and stated that the agency would continue to explore all possibilities for translating the new technology into effective regulations to permit the safest and most effective training programs possible. Based upon FAA efforts to that end, the agency has determined that the following amendments are appropriate in the interest of safety.

Currently, paragraph V(d) of Appendix A to Part 61 requires an applicant for an airline transport pilot certificate and associated class and type ratings to maneuver, in flight, to a landing with a simulated failure of 50 percent of the available powerplants. However, in the case of four-engine turbojet powered airplanes, an applicant may, under certain prescribed conditions, maneuver to a landing with the simulated failure of only the most critical powerplant, and in the case of three-engine turbojet powered airplanes, maneuver to a landing using an approved procedure that approximates the loss of two powerplants. In any case, the maneuver must be performed in flight.

Since the adoption of Amendment 121–55 the FAA has received several petitions for rule making addressed, in part, to the requirements of paragraph V(d) of Appendix A. The Air Transport Association of America (ATA) has requested that this paragraph (as well as its companion paragraph V(d) in Appendix F to Part 121, discussed below) be amended to permit accomplishment of maneuvering to a landing with simulated failure of 50 percent of available powerplants (center and one outboard engine on three-engine airplanes) to a point on the approach where a landing is assured, in a visual simulator. With but slight variation, American Airlines, Western Air Lines, and United Air Lines (for the DC–10 only) concur with the ATA position that performance of this maneuver should be permitted in the visual simulator.

For the purpose of this amendment, qualified authority to perform this maneuver in the visual simulator has been adopted for three-engine airplanes only (all three-engine airplanes regardless of the type of powerplant), with four-engine airplanes to be dealt with in a notice of proposed rule making which will be issued soon. As adopted, paragraph V(d) of Appendix A to Part 61, requires, in the case of three-engine airplanes, that an applicant maneuver to a landing with a simulated powerplant failure based on an approved procedure that simulates the loss of two powerplants (center and one outboard engine). If the applicant performs the maneuver in a visual simulator, he must also maneuver to a landing in flight with a simulated failure of the most critical powerplant. If the applicant has received training in flight, he may maneuver at altitude with an approved procedure that approximates the loss of two powerplants provided he makes a landing to touchdown in the airplane with a simulated failure of the most critical powerplant. The FAA believes that the person conducting the check should have the option, in any case, to require the maneuver in flight, both as an aid in determining the qualification of the applicant and as a tool for spot checking the effectiveness of the transfer of learning from the simulator to the airplane.

With the development of more modern and sophisticated simulators, and the introduction into scheduled passenger service of wide bodied three-engine airplanes with engines that develop greater thrust, the FAA believes that safety will be enhanced by permitting this maneuver to be performed, with limitation, in a visual simulator. In order to fully train and check on this maneuver in flight, some airplanes would require speeds in excess of 200 knots in the traffic pattern. In many cases on these airplanes, all three engines must be reduced to near idle thrust at approximately 700 feet in order to assure that the airplane arrives at the runway threshold at the proper threshold speed. This is due to the considerable residual thrust developed by the engines being simulated as failed and the absence of drag on the airplane that would be created if the engines were shut down. In effect the 700-foot altitude becomes the point at which the pilot is committed to land inasmuch as engine acceleration is slow when operating from a point at or near idle thrust. This increases the potential to undershoot the approach when power is reduced to idle thrust too soon, and to overshoot when reduced too late. The maneuver can be more realistically and safely demonstrated in the simulator inasmuch as the appropriate engines can be completely shut down thus eliminating the residual thrust problem.

Although no substantive changes have been made to the requirement for maneuvering to a landing with simulated powerplant failure in other than three-engine airplanes, an editorial change to paragraph V(d) has been made to accommodate this amendment (which has been placed in new paragraph V(d–1)).

This amendment also changes paragraph V(e) of Appendix A to Part 61 and paragraph V(e) of Appendix F to Part 121 which require a landing under simulated circling approach conditions, except that if circumstances beyond the control of the pilot prevent a landing, the person conducting the check may accept an approach to a point where, in his judgment, a landing to a full stop could have been made. Paragraph V(f) of the same appendices permits the rejected landing maneuver required therein to be combined with the circling approach. However, when these two provisions are taken together, it appears that the two maneuvers could be combined only when circumstances beyond the control of the pilot prevent a landing. This was not the intent of the FAA, and accordingly these provisions have been amended to permit combining of the maneuvers without restriction.

As adopted by Amendment 121–55, § 121.433(c)(1)(iii) requires a pilot in command to have satisfactorily completed recurrent flight training within the preceding 6 calendar months in the airplanes in which he serves. This requirement is in addition to the recurrent flight training required in § 121.433(c)(1)(i) for all flight crewmembers every 12 calendar months. However, as proposed in Notice 69–14 (published in the FEDERAL REGISTER on April 4, 1969, 34 F.R. 6112), the 6-month requirement for pilots in command would have applied only with respect to one of the airplanes in which the pilot served as pilot in command. Therefore, inasmuch as Amendment 121–55 was not entirely responsive to the Notice in this regard, § 121.433(c)(1)(iii) has been amended to reflect the meaning intended in Notice 69–14.

In addition to the amendment to § 121.433(c)(1)(iii) discussed above, it is also necessary to amend § 121.434(c)(3)(iii) to implement the intended meaning of that section as adopted by Amendment 121–55. Section 121.434(c)(3)(iii) currently provides that in the case of transition training, if the certificate holder's approved training program includes a course of training in an airplane simulator under § 121.409(c), each pilot must comply with the requirements prescribed in paragraph (c)(3)(i) of § 121.434. Thus, this requirement applies to transitioning second-in-command pilots which the FAA does not believe is necessary inasmuch as these pilots have previously served in the same capacity in another airplane of the same group. Accordingly, as amended, § 121.434(c)(3)(iii) is limited to pilots in command.

One of two editorial changes made by this amendment amends the title to Appendix E by deleting the reference to programmed hours and by indicating that the appendix concerns maneuvers and procedures required for flight training.

The ATA has requested, as a companion to its requests concerning paragraph V(d) of Appendices A to Part 61 and F to Part 121, an amendment to paragraph IV(e) of Appendix E to Part 121 to permit accomplishment of maneuvering to a landing with simulated failure of 50 percent of available powerplants (center and one outboard engine on three-engine airplanes) to a point on the approach where a landing is assured, in a visual simulator for initial, transition, and upgrade training. Western Air Lines, in a similar request, has recommended that the maneuver be permitted in a visual or a nonvisual simulator.

While the FAA agrees that it is appropriate at this time to permit use of a visual simulator in the accomplishment of this maneuver, the agency believes that such authority should be granted for transition and certain upgrade training. However, for pilot in command initial training and in the case of a second-in-command pilot upgrading to pilot in command when such training in this maneuver has not previously been given in flight, training in the maneuver should be required in flight.

The ATA, Western Air Lines, and United Air Lines have requested amendments to paragraph III(e) of Appendix F to Part 121 which currently requires that both the pilot in command and the second-in-command pilot perform at least one missed approach from an ILS in flight. The requests for amendment recommend that paragraph III(e)(1) be amended to permit the missed approach from an ILS approach to be performed by a pilot in a visual simulator (United) or a nonvisual simulator (ATA), and paragraph III(e)(2) be amended to permit the required or additional missed approach by the pilot in command to be performed in a nonvisual simulator (Western).

The counterpart to this requirement, paragraph III(e) of Appendix A to Part 61, requires two missed approaches, one of which must be performed in flight. It also requires that one missed approach be from an ILS approach and that one must include a complete missed approach procedure, but does not specifically require which one must be performed in flight or which one may be performed in the visual simulator, thus giving latitude in their performance. The FAA considers this latitude desirable, and paragraph III (e) of Appendix F has been amended to make Appendices A and F consistent in this regard. However, the FAA believes that the requirement that at least one missed approach should be performed in flight should be retained, as well as the requirement that a simulated powerplant failure may be required during the missed approach maneuver.

Inasmuch as the flush paragraph at the end of section V of Appendix F requiring at least two actual landings, appears to apply only to paragraph (f) thereof, another editorial change has been necessary to indicate that this provision applies to the entire paragraph, as is the case in Appendix A to Part 61. Accordingly, this amendment deletes the provision from its current location after paragraph (f) and places it at the beginning of paragraph V.

Finally, as noted previously, the FAA believes that the requirement of paragraph V(d) that a pilot maneuver to a landing with simulated powerplant failure should be amended to permit greater use of simulators with regard to three-engine airplanes. The discussion concerning paragraph V(d) of Appendix A to Part 61 is pertinent here and the amendment discussed there is adopted in Appendix F as well.

Because these amendments are relaxatory and editorial in nature and place no additional burdens on regulated persons, I find that public notice and procedure thereon are unnecessary and that good cause exists for making them effective in less than 30 days.

In consideration of the foregoing, Parts 61 and 121 of the Federal Aviation Regulations are amended, effective May 26, 1972, as follows:

1. By amending paragraph V(d); by adding a new paragraph (d–1) immediately following paragraph V(d); and by amending V(e) of Appendix A to Part 61 to read as follows:

Maneuvers/Procedures	Required in airplane		Permitted			
	Simulated instrument conditions	Inflight	Visual simulator	Nonvisual simulator	Training device	Waiver provisions of § 61.147(c)
V. Landings and Approaches to Landings:						
* * * * *						
(d) Except in the case of three-engine airplanes, maneuvering to a landing with a simulated failure of 50 percent of the available powerplants, with the simulated loss of power on one side of the airplane. However, in the case of a four-engine turbojet powered airplane, maneuvering to a landing with a simulated failure of the most critical powerplant may be substituted therefor, if a flight instructor in an approved training program under Part 121 of this chapter certifies to the Administrator that he has observed the applicant satisfactorily perform a landing in that type airplane with a simulated failure of 50 percent of the available powerplants. The substitute maneuver may not be used if the Administrator determines that training in the two-engine-out landing maneuver provided in the training program is unsatisfactory.	------	X*				
(d–1) In the case of three-engine airplanes, maneuvering to a landing with an approved procedure that simulates the loss of two powerplants (center and one outboard engine). However, if an applicant satisfies the requirements of this paragraph in a visual simulator, he must, in addition, maneuver in flight to a landing with a simulated failure of the most critical powerplant. In addition, an applicant who performs the maneuvers required by this paragraph in flight and who has been trained in flight, may maneuver at altitude with an approved procedure that simulates the loss of two powerplants provided he makes a landing to touchdown in the airplane with a simulated failure of the most critical powerplant. In any case, the person conducting the check may require the applicant to perform the maneuvers required by this paragraph in flight.	------	------	X*			
*(e) Except as provided in paragraph (f), a landing under simulated circling approach conditions, except that if circumstances beyond the control of the pilot prevent a landing, the FAA inspector, check pilot, or designated examiner may accept an approach to a point where in his judgment a landing to a full stop could have been made.	------	------	X*			
* * * * *						

2. By amending § 121.433(c)(1)(iii) to read as follows:

§ 121.433 Training required.

* * * * *

(c) * * *

(1) * * *

(iii) In addition, for pilots in command he has satisfactorily completed, within the preceding 6 calendar months, recurrent flight training in addition to the recurrent flight training required in subdivision (i) of this subparagraph, in an airplane in which he serves as pilot in command in operations under this part.

* * * * *

3. By amending § 121.434(c)(3)(iii) to read as follows:

§ 121.434 Operating experience.

* * * * *

(c) * * *

(3) * * *

(iii) In the case of transition training where the certificate holder's approved training program includes a course of training in an airplane simulator under § 121.409(c), each pilot in command must comply with the requirements prescribed in subdivision (i) of this subparagraph for initial training.

* * * * *

4. By amending Appendix E to Part 121 by amending the title thereof, by amending paragraph IV(e); and by adding a new paragraph IV(e–1) immediately following paragraph IV(e), to read as follows:

APPENDIX E—Flight Training Requirements.

* * * * *

FLIGHT TRAINING REQUIREMENTS

Maneuvers/Procedures	Initial training					Transition training					Upgrade training				
	A/P		Simulator			A/P		Simulator			A/P		Simulator		
	Inflight	Static	Visual simulator	Nonvisual simulator	Training device	Inflight	Static	Visual simulator	Nonvisual simulator	Training device	Inflight	Static	Visual simulator	Nonvisual simulator	Training device
IV. Landings and Approaches to Landings:															
* * * * *															
(e) In the case of multi-engine airplanes other than three-engine airplanes, maneuvering to a landing with simulated failure of 50 percent of the available powerplants. The simulated loss of power must be on one side of the airplane.	B	----	----	----	----	A T	----	----	----	----	B U				
(e-1) (1) Except as provided in subparagraph (2) of this paragraph, in the case of three-engine airplanes, maneuvering to a landing with an approved procedure that simulates the loss of two powerplants (center and one outboard engine).	P	----	S	----	----	----	----	A T	----	----	P S	----	B U		
(2) Notwithstanding the requirements of subparagraph (1) of this paragraph, flight crewmembers who satisfy those requirements in a visual simulator must also:															
(i) Maneuver at altitude in flight with an approved procedure that simulates the loss of two powerplants;															
(ii) Take in-flight training in one-engine inoperative landings; and															
(iii) In the case of a second in command upgrading to a pilot in command and who has not previously performed the maneuvers required by this paragraph in flight, meet the requirements of this paragraph applicable to initial training for pilot in command.															
In the case of flight crewmembers other than the pilot in command, perform the maneuver with the simulated loss of power of the most critical powerplant only.															

5. By amending Appendix F to Part 121 by amending paragraph III(e); by deleting the flush paragraph currently appearing immediately after paragraph V(f) and placing it at the beginning of section V; by amending paragraph V(d); by adding a new paragraph V(d-1) immediately following paragraph V(d); and by amending paragraph V(e), to read as follows:

Maneuvers/Procedures	Required		Permitted			
	Simulated instrument conditions	Inflight	Visual simulator	Nonvisual simulator	Training Device	Waiver provisions of § 121.441(d)
# (e) Missed approach.						
(1) Each pilot must perform at least one missed approach from an ILS approach.	------	B*	P*			
(2) Each pilot in command must perform at least one additional missed approach.	------	B*	P*			
A complete approved missed approach procedure must be accomplished at least once. At the discretion of the person conducting the check, a simulated powerplant failure may be required during any of the missed approaches. These maneuvers may be performed either independently or in conjunction with maneuvers required under Sections III or V of this appendix. At least one missed approach must be performed in flight.						
* * * * *						
V. Landings and Approaches to Landings:						
Notwithstanding the authorizations for combining and waiving maneuvers and for the use of a simulator, at least two actual landings (one to a full stop) must be made for all pilot-in-command and initial second-in-command proficiency checks. Landings, and approaches to landings must include the following, but more than one type may be combined where appropriate:						
* * * * *						
(d) Except in the case of three-engine airplanes, maneuvering to a landing with a simulated failure of 50 percent of the available powerplants, with the simulated loss of power on one side of the airplane, except that in the case of a proficiency check for other than a pilot in command the simulated loss of power may be only the most critical powerplant. This requirement may be substituted for in pilot in command recurrent (as distinguished from initial and transition) training and proficiency checks conducted in a four-engine turbojet powered airplane, by maneuvering to a landing with a simulated failure of the most critical powerplant and performance, either in an approved simulator or in flight at altitude, of the maneuver with simulated failure of 50 percent of the available powerplants unless the Administrator determines that the training in this maneuver provided by the certificate holder is unsatisfactory.	------	B*	------	B*		
(d-1) In the case of three-engine airplanes, maneuvering to a landing with an approved procedure that simulates the loss of two powerplants (center and one outboard engine). However, if a pilot satisfies the requirements of this paragraph in a visual simulator, he must, in addition, maneuver in flight to a landing with a simulated failure of the most critical powerplant. In addition a pilot who performs the maneuvers required by this paragraph in flight and who has been trained in flight, may maneuver at altitude with an approved procedure that approximates the loss of two powerplants provided he makes a landing to touchdown in the airplane in flight with a simulated failure of the most critical powerplant. In any case, the person conducting the check may require the applicant to perform the maneuvers required by this paragraph in flight.	------	------	B*	------	------	------
* * * * *						
(e) Except as provided in paragraph (f) of this section, if the certificate holder is approved for circling minimums below 1000-3, a landing under simulated circling approach conditions. However, when performed in an airplane, if circumstances beyond the control of the pilot prevent a landing, the person conducting the check may accept an approach to a point where, in his judgment, a landing to a full stop could have been made.	------	------	B*	------	------	------
* * * * *						

(Secs. 313(a), 601, 602, 604, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1422, 1424, 1427; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

J. H. SHAFFER,
Administrator.

[FR Doc.72-7980 Filed 5-26-72;8:45 am]

[Airspace Docket No. 72-SW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Corpus Christi NAS, Tex., control zone.

On April 12, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 7209) stating the Federal Aviation Administration proposed to alter the Corpus Christi NAS, Tex., control zone.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 20, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Corpus Christi NAS, Tex., control zone is amended, in part, as follows: Delete "within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the 5-mile-radius zone to 6 miles southeast of the TACAN; and within 2 miles each side of the Navy Corpus TACAN 313° radial, extending from the 5-mile-radius zone to 6 miles northwest of the TACAN." and substitute therefor "within 2 miles each side of the Navy Corpus TACAN 326° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN; and within 2 miles each side of the Navy Corpus TACAN 119° radial, extending from the 5-mile-radius zone to 6 miles southeast of the TACAN."

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

Issued in Fort Worth, Tex., on May 17, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc72-8037 Filed 5-26-72;8:47 am]

[Airspace Docket No. 72-SW-28]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the designated altitude of the Cotulla, Tex., Restricted Area R-6312.

The Department of the Navy has requested that the maximum altitude of R-6312 be reduced from "15,000 feet MSL" to "12,000 feet MSL." Such action is taken herein.

Since this amendment restores airspace to the public and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 73.63 (37 F.R. 2371) is amended as follows: In the "Designated Altitudes" of R-6312 Cotulla, Tex., "15,000 feet MSL" is deleted and "12,000 feet MSL" is substituted therefor.

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

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

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

[FR Doc.72-8038 Filed 5-26-72;8:47 am]

[Airspace Docket No. 72-SW-13]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of a Jet Route

On March 29, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 6407) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter a jet route from Roswell, N. Mex., to Wichita Falls, Tex.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 20, 1972, as hereinafter set forth.

Section 75.100 (37 F.R. 2382 and 4704) is amended as follows: Jet Route No. 166 is amended to read:

Jet Route No. 166 (San Simon, Ariz., to Wichita Falls, Tex.). From San Simon, Ariz.; via Truth or Consequences, N. Mex.; Roswell, N. Mex.; to Wichita Falls, Tex.

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

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

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

[FR Doc.72-8039 Filed 5-26-72;8:49 am]

[Docket No. 11940; Amdt. 811]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective June 22, 1972.

Beatrice, Nebr.—Beatrice Muncipal airport; VOR Runway 13, Amdt. 6; Revised.
Bridgeport, Conn.—Bridgeport Muncipal Airport; VOR Runway 6, Amdt. 11; Revised.
Bridgeport, Conn.—Bridgeport Muncipal Airport; VOR Runway 24, Amdt. 5; Revised.
Buffalo, N.Y.—Greater Buffalo International Airport; VOR Runway 31, Amdt. 14; Revised.
Burley, Idaho—Burley Muncipal Airport; VOR Runway 10, Amdt. 11; Revised.
Burley, Idaho—Burley Muncipal Airport; VOR/DME Runway 28, Amdt. 2; Revised.
Charleston, S.C.—Johns Island Airport; VOR-A, Original; Established.
Christiansted, St. Croix, V.I.—Alexander Hamilton Airport; VOR Runway 27, Amdt. 6; Revised.
Fayetteville, N.C.—Fayetteville Muncipal/Grannis Field; VOR Runway 27, Original; Established.
Galion, Ohio—Galion Muncipal Airport; VOR Runway 23, Amdt. 6; Revised.
Goshen, Ind.—Goshen Muncipal Airport; VOR Runway 9, Amdt. 6; Revised.
Goshen, Ind.—Goshen Muncipal Airport; VOR Runway 27, Original; Established.
Hancock, Mich.—Houghton County Memorial Airport; VOR Runway 13, Amdt. 5; Revised.
Hancock, Mich.—Houghton County Memorial Airport; VOR Runway 25, Amdt. 7; Revised.
Hancock, Mich.—Houghton County Memorial Airport; VOR Runway 31, Amdt. 4; Revised.
Jackson, Mich.—Reynolds Municipal Airport; VOR Runway 5, Amdt. 6; Revised.

Kalispell, Mont.—Glacier Park International Airport; VOR Runway 29, Amdt. 4; Revised.
Louisville, Ky.—Bowman Field; VOR Runway 14, Amdt. 2; Revised.
Louisville, Ky.—Bowman Field; VOR Runway 32, Amdt. 8; Revised.
Louisville, Ky.—Standiford Field; VOR Runway 29, Amdt. 11; Revised.
Meridianville, Ala.—North Huntsville Airport; VOR/DME-A, Amdt. 1; Revised.
Muskegon, Mich.—Muskegon County Airport; VOR-A, Amdt. 9; Revised.
Muskegon, Mich.—Muskegon County Airport; VOR/DME Runway 5, Original; Established.
Orlando, Fla.—Herndon Airport; VOR Runway 13, Amdt. 6; Revised.
Orlando, Fla.—Herndon Airport; VOR Runway 31, Amdt. 6; Revised.
Plattsburgh, N.Y.—Clinton County Airport; VOR-A, Amdt. 12; Revised.
St. Petersburg, Fla.—Albert Whitted Airport; VOR Runway 18, Amdt. 1; Revised.
Tulsa, Okla.—Tulsa International Airport; VOR Runway 26, Amdt. 16; Revised.
West Bend, Wis.—West Bend Municipal Airport; VOR Runway 31, Amdt. 1; Revised.
Winter Haven, Fla.—Gilbert Field Municipal Airport; VOR/DME-A, Original; Established.

2. Section 97.25 is amended by establishing, revising or canceling the following SDF-LOC-LDA SIAP's effective June 22, 1972.

Hibbing, Minn.—Chisholm-Hibbing Airport; LOC (BC) Runway 13, Original; Established.
Louisville, Ky.—Standiford Field; LOC (BC) Runway 11, Amdt. 1; Revised.
Louisville, Ky.—Standiford Field; LOC (BC) Runway 19, Amdt. 9; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; LOC/DME (BC) Runway 4, Amdt. 1; Revised.
Valparaiso, Ind.—Porter County Airport; LOC Runway 27, Amdt. 1; Revised.
Yakima, Wash.—Yakima Municipal Airport; LOC/DME (BC) Runway 9, Amdt. 2; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective June 22, 1972.

Americus, Ga.—Souther Field; NDB Runway 22, Original; Established.
Athens (Albany), Ohio—Ohio University Airport; NDB Runway 24, Amdt. 2; Revised.
Buffalo, N.Y.—Greater Buffalo International Airport; NDB Runway 5, Amdt. 6; Revised.
Buffalo, N.Y.—Greater Buffalo International Airport; NDB Runway 23, Amdt. 10; Revised.
Cleveland, Ohio—Cuyahoga County Airport; NDB Runway 23, Amdt. 4; Revised.
Elkin, N.C.—Elkin Municipal Airport; NDB Runway 25, Original; Established.
El Paso, Tex.—El Paso International Airport; NDB Runway 22, Amdt. 23; Revised.
Hancock, Mich.—Houghton County Memorial Airport; NDB—A, Amdt. 3; Revised.
Heber Springs, Ark.—Heber Springs Municipal Airport; NDB-A, Amdt. 1; Revised.
Johnson City, Tex.—Johnson City Airport; NDB-A, Amdt. 10; Revised.
Louisville, Ky.—Bowman Field; NDB Runway 32, Amdt. 7; Revised.
Louisville, Ky.—Standiford Field; NDB Runway 1, Amdt. 26; Revised.
Louisville, Ky.—Standiford Field; NDB Runway 29, Amdt. 8; Revised.
Muskegon, Mich.—Muskegon County Airport; NDB Runway 32, Amdt. 3; Revised.
Sidney, Mont.—Sidney-Richland Municipal Airport; NDB Runway 19, Original; Established.
Sidney, Mont.—Sidney-Richland Municipal Airport; NDB Runway 28, Original; Established.
Tulsa, Okla.—Tulsa International Airport; NDB Runway 17L, Amdt. 3; Revised.
Tulsa, Okla.—Tulsa International Airport; NDB Runway 35R, Amdt. 14; Revised.
Valparaiso, Ind.—Porter County Airport; NDB Runway 27, Amdt. 1; Revised.
West Bend, Wis.—West Bend Municipal Airport; NDB Runway 31, Amdt. 3; Revised.

4. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's effective May 25, 1972.

Guthrie, Okla.—Guthrie Municipal Airport; NDB Runway 16, Original; Established.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective June 22, 1972.

Buffalo, N.Y.—Greater Buffalo International Airport; ILS Runway 5, Amdt. 7; Revised.
Buffalo, N.Y.—Greater Buffalo International Airport; ILS Runway 23, Amdt. 21; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; ILS Runway 9L, Amdt. 4; Revised.
Greenville, Miss.—Greenville Municipal Airport; ILS Runway 17L, Original; Established.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; ILS Runway 35, Amdt. 8; Revised.
Louisville, Ky.—Standiford Field; ILS Runway 1, Amdt. 28; Revised.
Louisville, Ky.—Standiford Field; ILS Runway 29, Amdt. 9; Revised.
Muskegon, Mich.—Muskegon County Airport; ILS Runway 32, Amdt. 8; Revised.
New Haven, Conn.—Tweed-New Haven Airport; ILS Runway 2, Amdt. 2; Revised.
Tulsa, Okla.—Tulsa International Airport; ILS Runway 17L, Amdt. 4; Revised.
Tulsa, Okla.—Tulsa International Airport; ILS Runway 35R, Amdt. 20; Revised.

6. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective June 22, 1972.

Abilene, Tex.—Abilene Municipal Airport; Radar-1, Amdt. 2; Revised.
Buffalo, N.Y.—Greater Buffalo International Airport; Radar-1, Amdt. 8; Revised.
Louisville, Ky.—Standiford Field; Radar-1, Amdt. 10; Revised.
Meridianville, Ala.—North Huntsville Airport; Radar-1, Original; Canceled.
Orlando, Fla.—Herndon Airport; Radar-1, Amdt. 12; Revised.
Tulsa, Okla.—Tulsa International Airport; Radar-1, Amdt. 10; Revised.

7. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective June 22, 1972.

Buffalo, N.Y.—Greater Buffalo International Airport; RNAV Runway 31, Amdt. 1; Revised.
Trenton, N.J.—Mercer County Airport; RNAV Runway 16, Amdt. 1; Revised.
Trenton, N.J.—Mercer County Airport; RNAV Runway 34, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

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

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

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-7988 Filed 5-26-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 1720, 4110, 4120, 4130]

RESTRICTIONS ON USE OF PUBLIC LANDS TO CONTROL USAGE OF CHEMICAL TOXICANTS

Extension of Time

On pages 4262 and 4263 of the FEDERAL REGISTER of March 1, 1972, three documents were published which proposed amendments to Parts 1720, 4110, 4120, and 4130 of the Code of Federal Regulations. The proposed amendments would: (1) Restrict the use on public lands of chemical toxicants for the purpose of killing predatory mammals or birds and restrict the use on such lands of chemical toxicants which cause any secondary poisoning effects for the purpose of killing other mammals, birds, or reptiles, (2) make grazing privileges subject to cancellation or reduction where a grazier has under certain conditions violated or failed to comply with any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment, and (3) authorize the cancellation or reduction of grazing privileges on public lands for the unauthorized use of chemicals toxic to predatory mammals or birds, or toxic to other mammals, birds, and reptiles if such chemical toxicants may cause secondary poisoning effects.

Interested persons were given until May 1, 1972, to submit written comments, suggestions, or objections respecting the amendments to the Director (210) Bureau of Land Management, Department of the Interior, 18th and C Streets NW., Washington DC 20240.

The period for submitting written comments, suggestions, or objections, is hereby extended until 45 days after an environmental impact statement regarding the use of chemical toxicants is filed with the Council of Environmental Quality in accordance with section 102 of the National Environmental Quality Act of 1969 (42 U.S.C. 4321, 4331–4335). A public notice on the availability of the statement will be published.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 22, 1972.

[FR Doc.72-8041 Filed 5-26-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Elections To Receive Reimbursement for Emergency Services and Appeal Rights of Emergency Service Hospitals

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations (20 CFR Part 405) as set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations would (1) permit qualified hospitals to elect to receive from Medicare at any time before the close of a calendar year reimbursement for emergency hospital services furnished during the year, and (2) provide such hospitals the same administrative review and appeal rights as are applicable in determining whether a facility, agency, etc., is qualified as a provider of services.

Prior to the adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments relating thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under authority contained in sections 1102, 1814(d), 1835(b), 1861(e), 1869, 1871; 49 Stat. 647, as amended, 79 Stat. 296, as amended, 79 Stat. 304, as amended, 79 Stat. 314, as amended, 79 Stat. 330, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

Dated: April 11, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 22, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (a) of § 405.152 is amended by revising subparagraph (5) to read as follows:

§ 405.152 Payment for services furnished; nonparticipating hospital furnishing emergency services.

(a) Payment (in amounts as determined in accordance with § 405.151) may be made to a hospital even though the hospital is not a participating provider (i.e., it has not entered into an agreement with the Secretary, pursuant to section 1866 of the Act—see § 405.606) if:

* * * * *

(5) With respect to services furnished in a calendar year beginning after December 31, 1967, the hospital has in effect an election to claim payment for all emergency services furnished in such calendar year (see § 405.658).

* * * * *

2. Section 405.658 is revised to read as follows:

§ 405.658 Emergency hospital services; hospital election to receive health insurance payments.

(a) *General.* A hospital which meets the requirements of section 1861(e) applicable for purposes of sections 1814(d) and 1835(b) of the Act (see § 405.152 (a)(1)) and does not have in effect an agreement with the Secretary to participate in the health insurance program but is furnishing emergency inpatient and outpatient services to individuals entitled to health insurance benefits may elect, pursuant to sections 1814(d) and 1835(b) of the Act, to receive payment under such program for all emergency services furnished in a calendar year after December 31, 1967, by the hospital or under arrangements with the hospital, to entitled individuals: *Provided*, That such hospital has not previously charged an individual or other person for emergency hospital services furnished to the individual in such calendar year. The hospital's statement of election must be filed on a form designated by the Social Security Administration.

(b) *Elements of statement of election.* Under the provisions of the statement of election, the hospital agrees for the calendar year of election:

(1) To comply with the provisions of §§ 405.607–405.610 which relate to charges for items and services the hos-

pital may make to the individual, or other person, for emergency hospital services furnished such individual;

(2) To comply with the provisions described in §§ 405.618–405.621 which relate to proper disposition of moneys incorrectly collected from, or on behalf of, an individual furnished emergency hospital services; and

(3) To request payment under the health insurance program based on reasonable costs of furnishing emergency hospital services determined in accordance with section 1861(v) of the Act.

(c) *Filing of statement of election.* The hospital's statement of election must be signed by an authorized official of the hospital and must be submitted to the Administration before the close of the calendar year of election. For purposes of this paragraph, an election is submitted to the Administration before the close of a calendar year only if deposited in the U.S. postal system or received by the Administration before the close of such calendar year. Upon acceptance for filing by the Administration the effective date of the election shall be established as of the earliest day in the calendar year of election for which the Administration determines that the hospital has been in continuous compliance with the requirements of section 1861(e) applicable for purposes of sections 1814(d) and 1835(b) of the Act.

(d) *Notification of failure to continue to comply.* The Administration shall give at least 5 days' notice to a hospital of its failure to continue to be in compliance with the elements of its election; or of its failure to continue to be a hospital for purposes of claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act. Such notice shall state the calendar year to which it applies; the effective date of the notice as it applies to the hospital's election to claim payment for such calendar year; and, shall inform the hospital of its applicability for such calendar year to the services of the hospital.

(e) *Applicability of notice.* A notice under the conditions described in paragraph (d) of this section shall, for the calendar year to which it applies, be applicable to all claims for emergency service reimbursement filed by the hospital for services furnished in such calendar year to individuals who are accepted as patients (inpatients or outpatients) by the hospital on or after the effective date of such notice; and the hospital shall be ineligible to receive emergency services reimbursement for such services.

(f) *Appeal by institution.* Any institution dissatisfied with a determination that it does not qualify to claim payment for all emergency hospital services furnished in a calendar year shall be entitled to appeal such determination as provided in Subpart O of this part.

3. A new § 405.659 is added to read as follows:

§ 405.659 Reinstatement of emergency service hospital after notice of failure to continue to comply.

Where a hospital is notified by the Administration of its failure to continue to be in compliance with the elements of its election or its failure to continue to be a hospital for purposes of claiming emergency services reimbursement for a calendar year (see § 405.658(d)), such hospital may not file another election for such calendar year, or a subsequent calendar year, unless the Administration finds that the reason for its failure to continue to comply has been removed and that there is reasonable assurance that it will not recur.

4. The heading of Subpart O is revised to read as follows:

Subpart O—Providers of Services, Emergency Service Hospitals, Independent Laboratories, and Suppliers of Portable X-Ray Services; Determinations and Appeals Procedures

5. Section 405.1501 is amended by revising the section heading, revising paragraph (a), and adding a new paragraph (e) to read as follows:

§ 405.1501 Providers of services, emergency service hospitals, independent laboratories, and suppliers of portable X-ray services; determinations and appeals procedures.

(a) The provisions contained in this Subpart O shall govern the procedure for making and reviewing determinations with respect to whether an institution, facility, agency, or clinic is a provider of services (i.e., a hospital, extended care facility, home health agency, or for purposes of furnishing outpatient physical therapy services, a clinic, rehabilitation agency, or public health agency) within the meaning of title XVIII of the Social Security Act and Subparts J, K, L, or Q of this Part 405, as appropriate; whether an institution is a hospital, as such term is included in section 1861(e) for purposes of sections 1814(d) and 1835(b) of the Act (see § 405.152(a)(1)), qualified to elect to claim payment for all emergency hospital services furnished in a calendar year (see § 405.658); the termination of the Secretary's agreement with a provider of services; whether an institution continues to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; and whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405).

* * * * *

(e) Any institution which is dissatisfied with an initial determination (see § 405.1502) that it does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year, may request the Administration to reconsider that determination (see § 405.1510). If dissatisfied with the reconsidered determination of the Administration, or where the institution's election to claim payment for all such services furnished in a calendar year has been accepted by the Administration for filing, with an initial determination thereafter of its failure to remain in compliance with the qualifications for claiming such payments for such calendar year, the institution is entitled to a hearing thereon and, if dissatisfied with the Secretary's final decision after such hearing, to Appeals Council review and then judicial review of such decision (see § 405.1530 et seq.).

6. Section 405.1502 is amended by adding a new paragraph (d) to read as follows:

§ 405.1502 Initial determinations.

The Administration will make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to:

* * * * *

(d) (1) Whether an institution is a hospital, as such term is included in section 1861(a) for purposes of sections 1814(d) and 1835(b) of the Act (see § 405.152(a)(1)), qualified to elect to claim payment for all emergency hospital services furnished in a calendar year (see § 405.658), if the institution has filed a written request for such determination; or

(2) Whether an institution continues to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; if the institution's election to claim such reimbursement for such calendar year has been accepted by the Administration for filing.

7. Section 405.1503 is revised to read as follows:

§ 405.1503 Notice of initial determination.

Written notice of an initial determination (see § 405.1502) with respect to whether an institution, facility, agency, or clinic is or is not a provider; or with respect to whether an institution is or is not a hospital for purposes of the emergency service reimbursement provisions of sections 1814(d) and 1835(b) of the Act; or with respect to the termination of an agreement; or with respect to whether an institution continues to remain in compliance with the qualifications for claiming emergency services reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; or with respect to whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and will include the basis or reasons for the determination, and information concerning the appeal rights of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1510 and 405.1530).

8. Section 405.1504 is revised to read as follows:

§ 405.1504 Effect of initial determination.

The initial determination shall be final and binding upon the parties to the determination unless it is revised (see § 405.1519), or unless, in the case of a determination described in § 405.1502(a), (b)(1), or (d)(1), it is reconsidered in accordance with § 405.1514 or, in the case of a determination described in § 405.1502 (b)(2), (c), or (d)(2), a request for a hearing is filed and a decision rendered.

9. Section 405.1505 is amended by adding new paragraphs (g) through (j) to read as follows:

§ 405.1505 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this Subpart O include, but are not limited to, the following:

* * * * *

(g) The finding that an institution is not a hospital for purposes of the emergency service reimbursement provisions of sections 1814(d) and 1835(b) of the Act, if such findings are not made in accordance with the provisions of §§ 405.1502(d) (1) or (2) and 405.1503.

(h) The refusal by the Administration to accept for filing an election submitted by an institution to claim payment for all emergency hospital services furnished in a calendar year (see § 405.658), where the Administration finds that such institution has previously charged an individual or other person for emergency hospital services furnished to the individual in such calendar year.

(i) The refusal by the Administration to accept for filing an election submitted by an institution to claim payment for all emergency hospital services furnished in a calendar year, where such election is submitted to the Administration after the close of such calendar year (see § 405.658(c)).

(j) The finding that, pursuant to § 405.659, an institution is not eligible to file an election to claim emergency services reimbursement after the Administration has notified such institution of its failure to continue to comply.

10. Section 405.1510 is revised to read as follows:

§ 405.1510 Reconsideration; right to reconsideration.

Any institution, facility, agency, or clinic which is dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services or any institution which is dissatisfied with an initial determination that it does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year or any independent laboratory or supplier or portable X-ray services which is dissatisfied with an initial determination that its services do not meet the conditions for coverage (see Subparts M and N of this Part 405) as appropriate, may request that the Administration reconsider the determination. The Administration will reconsider an initial determination if a written request for reconsideration is filed by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned, as provided in § 405.1511.

11. Section 405.1519 is revised to read as follows:

§ 405.1519 Revision of initial or reconsidered determination.

Except in the case of a determination that an institution, facility, agency, or clinic qualifies as a provider of services, or that an institution qualifies to elect to claim payment for all emergency hospital services furnished in a calendar year an initial or reconsidered determination which is otherwise final under § 405.1504 or § 405.1517 may be reopened by the Administration upon its own motion within 12 months after the date of the notice of the initial determination (see § 405.1503). Notice of the reopening of a determination and any revision thereof shall be given to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the determination (see § 405.1520).

12. Section 405.1530 is revised to read as follows:

§ 405.1530 Hearing; right to hearing.

After an initial and reconsidered determination that it does not qualify as a provider of services or that an independent laboratory or supplier of portable X-ray services does not meet the conditions for coverage of its services or that an institution does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year (see §§ 405.1502 (a), (b)(1), and (d)(1), and 405.1514); or after an initial determination described in § 405.1502 (b)(2), (c), and (d)(2); or after a revised determination described in § 405.1519, an institution, facility, agency, clinic, laboratory, or portable X-ray supplier shall be entitled to a hearing with respect to such determination, if the representative of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier files a written request for hearing as provided in § 405.1531.

13. Paragraph (a) of § 405.1531 is revised to read as follows:

§ 405.1531 Filing a request for a hearing; time and manner of filing.

(a) The request for a hearing shall be made in writing, signed by a proper official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and filed at an office of the Administration, or with a hearing examiner or the Appeals Council of the Bureau of Hearings and Appeals. The request must be filed within 6 months after the date on which written notice of an initial determination provided for in § 405.1502 (b)(2), (c), or (d)(2), or a reconsidered or revised determination is mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1503, 405.1516, and 405.1520), except where the time is extended for "good cause" (see § 405.1569).

* * * * *

14. Section 405.1532 is revised to read as follows:

§ 405.1532 Parties to the hearing.

The parties to the hearing shall be the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the prior determination (see §§ 405.1502 (b)(2), (c), and (d)(2), 405.1514, and 405.1519) and the Bureau of Health Insurance. The Bureau of Health Insurance shall be represented at the hearing (see § 405.1543).

15. Paragraph (a) of § 405.1542 is revised to read as follows:

§ 405.1542 Hearing on new issues.

(a) On the application of either party, or on his own motion, the hearing examiner may give notice at any time after a request for hearing has been filed (see § 405.1531), but prior to the closing of the record, that he will consider any specific new issue which may affect the rights of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, even though the Administration has not made an initial and reconsidered determination with respect to the issue and even though the issue arose after the request for hearing or prehearing conference: Except that, in the case of an initial determination described in § 405.1502 (b)(2), (c), or (d)(2), the hearing examiner shall not consider any issue which arose on or after (1) the effective date of the termination of an institution's, facility's, agency's, or clinic's agreement with the Secretary, or (2) the date on which it is determined that a laboratory or portable X-ray supplier no longer meets the conditions for coverage of its services, or (3) the effective date of the notification to an institution of its failure to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act. Notice of the time and place of the hearing on any new issue shall, unless waived (see § 405.1550), be given to the parties within the time and manner prescribed in § 405.1540. Upon giving of such notice, the hearing examiner shall, except as otherwise provided, proceed to hearing on such new issues in the same manner as he would on an issue in which an initial and reconsidered determination had been made by the Administration and a hearing request with respect thereto had been filed.

16. Section 405.1567 is revised to read as follows:

§ 405.1567 Effect of the Appeals Council decision.

The decision of the Appeals Council shall be final and binding unless a civil action (see § 405.1501 (b) and (e)) is filed by the institution, facility, agency, or clinic in a district court of the United States as authorized by section 1869(c) of the Act or unless the decision is revised in accordance

with § 405.1570. (Section 1869(c) of the Act does not grant judicial review of the Secretary's decision with respect to whether an independent laboratory or supplier of portable X-ray services meets the conditions for coverage, as required by Subparts M and N, respectively.)

17. Paragraph (a) of § 405.1569 is revised to read as follows:

§ 405.1569 Extension of time to request a hearing or review or begin civil action.

(a) Any institution, facility, agency, clinic, laboratory, or portable X-ray supplier which is a party to an initial determination described in § 405.1502 (b)(2), (c), or (d)(2); or to a reconsidered determination that it does not qualify as a provider of services or does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year or does not meet the conditions for coverage; or to a revised determination described in § 405.1519; or which is a party to a decision of a hearing examiner may request an extension of time for filing a request for hearing or review, as the case may be, although the time for filing the request has passed. If an extension of time for filing a request for hearing before a hearing examiner is sought, the request may be filed with the hearing examiner. In any other case, the request shall be filed with the Appeals Council. The request shall be in writing and shall state the reasons why the request was not filed within the required time. An institution, facility, agency, or clinic which is a party to a decision of the Appeals Council, may ask the Appeals Council for an extension of time for commencing civil action in a district court within 60 days from the date of the notice of the Appeals Council action and shall state the reasons an extension is required. For good cause shown, the hearing examiner may extend the time for filing a request for hearing or the Appeals Council may extend the time for filing a request for review or civil action.

18. Section 405.1572 is revised to read as follows:

§ 405.1572 Effect of revised determination.

A revised decision by a hearing examiner shall be final and binding upon the parties thereto unless reviewed by the Appeals Council in accordance with §§ 405.1561–405.1563. A revised decision by the Appeals Council shall be final and binding unless a civil action (see § 405.1501 (b) and (e)) is filed by the institution, facility, agency, or clinic in a district court of the United States as authorized by section 1869(c) of the Act.

[FR Doc.72-8059 Filed 5-26-72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Management

[24 CFR Part 425]

[Docket No. R-72-193]

MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Notice of Proposed Rule Making

The Department of Housing and Urban Development proposes to amend Title 24 of the Code of Federal Regulations to include a new Part 425, "Mortgage Insurance and Interest Reduction Payments for Rental Projects."

The proposed part sets forth provisions contained in Part 236, Subpart A, of this title which are generally applicable, after final endorsement, to housing projects receiving interest reduction payments pursuant to section 236 of the National Housing Act. However, the requirement for recertification of family income is changed from a biennial to an annual recertification by tenants or cooperative members of such housing projects who are not paying the fair market rental. The proposed part would also provide that such a tenant or cooperative member may request recertification at any time that there is a change in family income as reported in the most recent recertification. Sections 425.25 and 425.27, appearing in this part, would revise requirements currently appearing in § 236.70(d). When Part 425 is made effective, Part 236, Subpart A, will be amended to revoke superseded § 236.70(d) and to reflect other conforming changes. A 90-day period will be provided for the purpose of effecting conversion from biennial recertification of those tenants or cooperative members whose annual anniversary of initial occcupancy occurs within such 90-day period, but whose biennial recertification would not be due for another year.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements. Communications should be identified by the above docket number and title, and should be filed in triplicate with the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before June 30, 1972, will be considered before adoption of the final rule. Copies of comments submitted will be available for examination during business hours at the above address. The proposed new part would read as follows:

PART 425—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Mortgage Insurance Requirements

Sec.

AUTHORITY: The provisions of this Part 425 issued under sec. 211, 52 Stat. 23, as amended, sec. 236, 82 Stat. 498, as amended; 12 U.S.C. 1715b, 1715z-1.

Subpart A—Mortgage Insurance Requirements

§ 425.1 Purpose and definitions.

(a) It is the purpose of this part to set forth those provisions contained in Part 236, Subpart A of this title which are generally applicable, after final endorsement, to housing projects receiving interest reduction payments pursuant to section 236 of the National Housing Act, and to set forth the requirements for recertification of family income by each tenant or cooperative member who is not paying the fair market rental in such a housing project.

(b) The definitions contained in § 236.2 of this title shall apply to this part. In addition, the term "Secretary" means the Secretary of the Department of Housing and Urban Development and includes such other official or officials of the Department to whom the Secretary has delegated authority to act.

§ 425.3 Operation of the project.

(a) *Nonprofit mortgagors.* The nonprofit mortgagor approved in accordance with the provisions of § 236.10 of this title shall be subject to such regulation or supervision as to rents, charges, and methods of operation as the Secretary deems necessary to effectuate the purposes of this subpart.

(b) *Builder-seller mortgagors.* The builder-seller mortgagor approved in accordance with the provisions of § 236.10 of this title shall:

(1) Operate the project, subject to special controls and requirements of the Secretary as to rents, charges, rates of return, and methods of operation until the conveyance to the nonprofit mortgagor.

(2) Operate the project as a limited distribution mortgagor subject to the supervision, controls, and requirements

prescribed by the Secretary for such mortgagor in the event of a failure to convey to a nonprofit mortgagor either at final endorsement or within such additional period as may be agreed to in writing by the Secretary.

(c) *Limited distribution mortgagor.* The limited distribution mortgagor approved in accordance with the provisions of § 236.10 of this title shall be restricted by law (or by the Secretary) as to distribution of income and shall be regulated as to rents, charges, rate of return, and methods of operation in such form and manner as is satisfactory to the Secretary to effectuate the purposes of this subpart.

(d) *Cooperative and investor sponsor mortgagors.* (1) The cooperative mortgagor approved in accordance with § 236.10 of this title shall be regulated or restricted by the Secretary as to rents or sales, charges, rate of return, and methods of operation in such manner as will effectuate the purposes of this subpart and protect the consumer interest.

(2) The investor sponsor mortgagor shall:

(i) Operate the project until 2 years after the date of completion or until conveyance to the cooperative mortgagor, whichever occurs sooner, subject to the controls and requirements of the Secretary.

(ii) Operate the project as a limited distribution mortgagor subject to the controls and requirements of the Secretary in the event of failure to convey to a cooperative mortgagor within the 2-year period.

§ 425.5 Mortgage release provision.

If a mortgage contains a provision permitted by § 236.20 of this title, then in accordance with such provision at any time after final endorsement, the property covered by the mortgage may be released from the lien of the mortgage, in whole or in part, with the approval of the Secretary and under such terms and conditions as he may prescribe, upon payment of the portion of the unpaid balance of the mortgage allocable to the property released.

§ 425.7 Application of payments.

(a) Payment of all amounts to be paid monthly by the mortgagor to the mortgagee and the application of such payment by the mortgagee shall be made in accordance with the mortgage terms required by § 236.25 of this title.

(b) Any deficiency in the amount of the monthly payment shall constitute an event of default. Any default must be cured within the 30 day grace period as provided in the mortgage in accordance with the requirement of § 236.25 of this title.

§ 425.9 Prepayment privileges.

(a) *Prepayment in full—(1) Without prior consent of the Secretary.* A mortgage indebtedness may be prepaid in full and the Secretary's controls terminated without the prior consent of the Secretary where the mortgagor is a limited distribution type and either of the following conditions is met:

(i) If the prepayment occurs after the expiration of 20 years after the date of final insurance endorsement of the mortgage, provided the mortgagor is not receiving payments from the Secretary under a rent supplement contract executed pursuant to the provisions of §§ 215.1 et seq. of this title.

(ii) If the prepayment occurs as a result of the sale of the project to a cooperative or private nonprofit corporation or association, provided the sale is financed with a mortgage insured pursuant to § 236.40(d) of this title.

(2) *With prior consent of the Secretary.* In all cases, except those outlined in subparagraph (1) of this paragraph, a mortgage indebtedness shall not be prepaid in full and the Secretary's controls shall not be terminated unless the Secretary gives his consent to such prepayment.

(b) *Partial prepayments.* With the prior written approval of the Secretary, partial prepayments may be made for the purpose of reducing succeeding monthly payments of the remaining balance as recast over the remaining portion of the original mortgage term.

(c) *Optional provision.* If the mortgage contains a provision permitted by § 236.30(c) of this title, then in accordance with such provision, prior to the maturity and with the approval of the Secretary, partial prepayments may be made after 30 days' written notice to the mortgagee on any principal payment date. If prepayments are made in any calendar year in excess of 15 percent of the original face amount of the mortgage, the mortgagee will be permitted to collect such reasonable charge on such excess as is agreed upon between the mortgagor and the mortgagee.

(d) *Prepayment in connection with sale of units.* With the prior written approval of the Secretary, the mortgagor may sell the individual dwelling units in the project to lower income, elderly, or handicapped purchasers. The mortgagee shall not collect any charge for the prepayment of the mortgage in connection with the sale of such units.

§ 425.11 Late charge.

A late charge may be collected by the mortgagee for each payment to interest or principal more than 15 days in arrears, if provided in the mortgage, but such charge shall not exceed 2 cents for each dollar of the mortgagor's share of such payment. Such charge shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment. Such charge shall not be included in the interest reduction payment made by the Secretary to the mortgagee pursuant to §§ 236.501 et seq. of this title.

§ 425.13 Supervision applicable to limited distribution mortgagors.

(a) Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. The amount of any allowable distribution, or disbursement from surplus cash, shall not exceed in any 1 fiscal year more than 6 percent of the mortgagor's initial equity investment in the projects, as determined by the Secretary.

(b) No dividends or other distributions shall be declared or made except out of surplus cash available and remaining after:

(1) The payment of:

(i) All sums due or currently required to be paid under the terms of any mortgage or note insured or held by the Secretary.

(ii) All amounts required to be deposited in the reserve fund for replacements.

(iii) All obligations of the project (other than the mortgage insured or held by the Secretary) unless funds for payment are set aside or deferment of payment has been approved by the Secretary.

(2) The segregation of:

(i) An amount equal to the aggregate of all special funds required to be maintained by the project.

(ii) All tenant security deposits held.

(c) The right to any allowable distribution or disbursement from surplus cash shall be cumulative.

(d) No distribution of any kind may be made from borrowed funds.

§ 425.15 Rental charges.

(a) *Approved rental charges.* The mortgagor shall, with the approval of the Secretary, establish and maintain for each dwelling unit the following:

(1) A basic monthly rental charge determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 percent per annum.

(2) A fair market monthly rental charge determined on the basis of operating the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obliged to pay under the mortgage.

(b) *Monthly rental charge.* The monthly rental for each dwelling unit shall be 25 percent of the tenant's adjusted monthly income, except that the monthly rental shall not be less than the basic rental nor more than the fair market rental charge. In the event of any change in a tenant's income, the monthly rental charge shall be adjusted by the mortgagor.

(c) *Application of terms.* In the case of a cooperative project, the term "tenant" as used in this subpart shall mean a member of a cooperative and the term "rental charge" shall mean the charges under the occupancy agreement of members of the cooperative.

§ 425.17 Excess rental charges.

In accordance with the requirement of § 236.60 of this title, the mortgagor shall pay monthly to the Secretary all rental charges collected in excess of the basic rental charges.

§ 425.19 Selection of tenants and transient occupancy.

In accordance with the certification required pursuant to § 236.65 of this title, as long as the Secretary is the insurer,

holder or reinsurer of the mortgage, the mortgagor will not:

(a) In selecting tenants for the project covered by the mortgage, discriminate against any family because there are children in the family.

(b) Rent, permit the rental, or permit the offering for rental of the housing, or any part thereof, covered by such mortgage, for transient or hotel purposes. For the purposes of this certificate, the term "rental for transient or hotel purposes" shall mean (1) rental for any period less than 30 days, or (2) except in the case of a project designed primarily for occupancy by elderly or handicapped persons, any rental which includes the provision of customary hotel services such as room service for food and beverages, furnishing and laundering of linens, maid service, and bellboy service.

(c) Sell the project, unless the purchaser also agrees to comply with the requirements of paragraphs (a) and (b) of this section.

§ 425.21 Occupancy requirements.

(a) *Initial occupancy.* Initial occupancy of the project by tenants who are unable to pay the fair market rental shall be restricted to those determined by the mortgagor as meeting the income requirements established by the Secretary and who are one of the following:

(1) A family.

(2) An elderly person.

(3) A displacee.

(4) A handicapped person.

(5) A single person who is less than 62 years of age: *Provided*, That occupancy by this category of tenants or members shall be limited to 10 percent of the dwelling units in the project.

(b) *Projects designed for displacees, or elderly, or handicapped.* In a project designed for displacees, or elderly, or handicapped, occupancy may be restricted to that category of persons for whom the project was designed and who meet the income requirements established by the Secretary.

(c) *Preference for military personnel and displacees.* (1) Whenever the Secretary determines that a project, because of its location or other considerations, could ordinarily be expected to substantially serve the family needs of military personnel who are serving on active duty and meet the income requirements established by the Secretary, such preference for occupancy shall be afforded to the family of such military personnel as the Secretary determines is appropriate.

(2) In all projects preference or priority to occupy dwelling units shall be given to displacees provided that in a project designed for the handicapped or the elderly, preference for displacees shall be limited to those who are within the category for whom the project was designed.

§ 425.23 Form of lease and occupancy agreement.

A tenant who is to pay less than the fair market rental shall be required to execute a lease in a form approved by the Secretary. A cooperative member shall be required to execute an occupancy agreement in a form approved by the Secretary regardless of the rent he is paying.

§ 425.25 Required recertification of income.

The mortgagor or project manager shall obtain from each tenant or cooperative member who is not paying the fair market rental, an annual recertification of family income. The recertification shall be on a form prescribed by the Secretary.

§ 425.27 Optional recertification of income.

Upon request of a tenant or cooperative member, the mortgagor or project manager shall accept recertification of family income whenever there is a change in tenant's or cooperative members' family income as reported in the most recent recertification. The recertification shall be on a form prescribed by the Secretary.

§ 425.29 Effect of amendments.

The regulations in this subpart may be amended by the Secretary at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured and shall not adversely affect the interests of a mortgagee on any mortgage to be insured on which the Secretary has made a commitment to insure.

Issued at Washington, D.C., May 23, 1972.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Proposed Revision of Virginia Fire-cured Standards

Notice is hereby given that the U.S. Department of Agriculture has under consideration a proposed revision of the Official Standard Grades for Virginia Fire-cured Tobacco, U.S. Type 21, pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration. Grade standards for tobacco are issued under the authority of the Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and a permissive basis.

The present standards for type 21 tobacco have been in effect since November 1959. During the past few years a recurring need has arisen for some changes which would more accurately describe the tobacco. As a result, discussions were held with Division personnel and trade members to formulate the proposed revision. Drafts of the proposed changes were later submitted to field personnel for review and comment.

The proposal would delete the three variegated grades, C3K, C4K, and C5K, since exceptionally small quantities of type 21 variegated tobacco has been produced in recent years. Definitions and rules governing the classification of this tobacco would be revised to combine variegated with mixed color tobacco.

Size 47 would be added to cover first- and second-quality grades of the A, B, and C groups. A chart of U.S. standard 4-inch sizes would be incorporated into the standards, as requested by inspection personnel.

The proposal would also eliminate leaf surface as an element of quality. Each element of quality except width would be limited to a range of three degrees. Width would consist of four degrees. The present standards have a range of five degrees for seven elements and three degrees for two elements. On-the-market experience has pointed out that the proposed elements of quality and degrees would provide an adequate basis for the accurate grading of type 21 tobacco. Grade specifications would be revised to reflect the proposed changes.

Definitions and terminology would be updated to correspond with proposed changes in the standards and present-day usage. In order to facilitate grade application, definitions would be specifically cross-referenced to related sections.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed standards are as follows:

1. Subpart C of Part 29 is revised by deleting §§ 29.2251 through 29.2432 and substituting therefor the following:

OFFICIAL STANDARD GRADES FOR VIRGINIA FIRE-CURED TOBACCO (U.S. TYPE 21)

DEFINITIONS

KEY TO STANDARD GRADEMARKS

AUTHORITY: The provisions of this Subpart C issued under the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

DEFINITIONS

§ 29.2251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.2252 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.2253 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.2351.)

§ 29.2254 Brown colors.

A group of colors ranging from a reddish brown to yellowish brown. These colors vary from low to medium saturation and from very low to medium brilliance. As used in these standards, the range is expressed as light brown (L), medium brown (F), and dark brown (D).

§ 29.2255 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.2256 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See rule 4, § 29.2395.)

§ 29.2257 Color.

The third factor of a grade based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.2258 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to brown colors. (See chart, § 29.2351.)

§ 29.2259 Color symbols.

As applied to this type, color symbols are L—light brown, F—medium brown, D—dark brown, M—mixed or variegated, and G—green.

§ 29.2260 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.2261 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from fire-kill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See rule 19, § 29.2410.)

§ 29.2262 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.2263 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 20, § 29.2411.)

§ 29.2264 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 22, § 29.2413.)

§ 29.2265 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart, § 29.2351.)

§ 29.2266 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.2351.

§ 29.2267 Fiber.

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color.

§ 29.2268 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See chart, § 29.2351.)

§ 29.2269 Fire-cured.

Tobacco cured under artificial atmospheric conditions by the use of open fires from which the smoke and fumes of burning wood are partly absorbed by the tobacco.

§ 29.2270 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, and abnormal amounts of dirt or sand. (See rule 22, § 29.2413.)

§ 29.2271 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.2272 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.2273 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, good quality, and dark brown color.

§ 29.2274 Green (G).

A term applied to green-colored tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See rule 18, § 29.2409.)

§ 29.2275 Group.

A division of a type covering closely related grades based on certain characteristics which are usually related to stalk position, body, or the general quality of the tobacco. Groups in this type are Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

§ 29.2276 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See rule 16, § 29.2407.)

§ 29.2277 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of tangled whole or broken leaves.

§ 29.2278 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.2351.)

§ 29.2279 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.2280 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.2281 Maturity.

The degree of ripeness. (See chart, § 29.2351.)

§ 29.2282 Mixed color or variegated (M).

Distinctly different colors of the type mingled together, or any leaf of which 20 percent or more of its surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type or group. (See rule 17, § 29.2408.)

§ 29.2283 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See rule 22, § 29.2413.)

§ 29.2284 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, rework, semicured, or premature primings; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See rule 22, § 29.2413.)

§ 29.2285 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Fire-cured, U.S. Type 21. (See rule 22, § 29.2413.)

§ 29.2286 Oil.

A soft, semifluid constituent of tobacco. (See chart, § 29.2351.)

§ 29.2287 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.2288 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.2289 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.2290 Premature primings.

Ground leaves harvested before reaching complete growth and development. These leaves lack body and strength. (See rule 22, § 29.2413.)

§ 29.2291 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.2292 Resweated.

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or refermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

§ 29.2293 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not packed straight or otherwise not properly prepared for market. (See rule 22, § 29.2413.)

§ 29.2294 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See rule 22, § 29.2413.)

§ 29.2295 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristics of tobacco.

§ 29.2296 Size.

The length of tobacco leaves. (See chart, § 29.2371.)

§ 29.2297 Sound.

Free of damage.

§ 29.2298 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 10, § 29.2401.)

§ 29.2299 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.2300 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.2301 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.2302 Strength.

The stress a tobacco leaf can bear without tearing. (See chart, § 29.2351.)

§ 29.2303 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.2304 Subgrade.

Any grade modified by a special factor symbol.

§ 29.2305 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.2306 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.2307 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.2308 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.2309 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.2310 Type 21.

That type of fire-cured tobacco, known as Virginia Fire-cured or Dark-fired, produced principally in the Piedmont and mountain sections of Virginia.

§ 29.2311 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.2312 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See rule 15, § 29.2406.)

§ 29.2313 Unsound (U).

Damaged under 20 percent. (See rule 20, § 29.2411.)

§ 29.2314 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.2315 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 21, § 29.2412.) (For extremely wet or watered tobacco, see rule 22, § 29.2413.)

§ 29.2316 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.2351.)

ELEMENTS OF QUALITY

§ 29.2351 Elements of quality and degrees of each element.

Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their relative value and are used in determining the quality of tobacco. The actual value of each degree varies with group.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Oil	Lean	Oily	Rich.
Elasticity	Inelastic	Semielastic	Elastic.
Strength	Weak	Normal	Strong.
Finish	Dull	Clear	Bright.
Color Intensity	Pale	Moderate	Deep.
Width	Narrow	Normal	Spready Broad.
Uniformity	Expressed in percentages.		
Injury tolerance.	Expressed in percentages.		

SIZES

§ 29.2371 U.S. standard 4-inch sizes.[1]

Inches	*Size*
12–16	43
16–20	44
20–24	45
24–28	46
Over 28	47

[1] The application of sizes is governed by the major portion of the lot or package.

RULES

§ 29.2391 Rules.

The application of these official standard grades shall be in accordance with the following rules:

§ 29.2392 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.2393 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.2394 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, two or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least two breaks from which a representative sample shall be selected.

§ 29.2395 Rule 4.

All standard grades must be clean.

§ 29.2396 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

§ 29.2397 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.2398 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.2399 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.2400 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.2401 Rule 10.

Any special factor symbol approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.2402 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.2403 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.2404 Rule 13.

Length shall be stated in connection with each grade of the A, B, and C groups and may be stated in connection with the grades of other groups. The 4-inch series of U.S. standard tobacco sizes shall be used.

§ 29.2405 Rule 14.

U.S. standard tobacco size 45 shall be used to designate X group tobacco of M and G color when such tobacco is 20 inches or over in length.

§ 29.2406 Rule 15.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.2407 Rule 16.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group.

§ 29.2408 Rule 17.

Any lot of tobacco of the B, C, or X groups containing over 30 percent of mixed color or variegated leaves or over 30 percent of mixed color and variegated leaves combined shall be classified as "mixed" and designated by the color symbol "M."

§ 29.2409 Rule 18.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.2410 Rule 19.

Crude leaves shall not be included in any grade of any color except green. Any lot containing 20 percent or more of crude leaves shall be designated Nondescript.

§ 29.2411 Rule 20.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a sub-

grade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.2412 Rule 21.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.2413 Rule 22.

Tobacco shall be designated No Grade, using the grademark "No-G," when it is classified as dirty, nested, offtype, semicured, premature primings, damaged 20 percent or more, extremely wet or watered, or when it needs to be reworked, contains foreign matter, or has an odor foreign to type.

GRADES

§ 29.2436 Wrappers (A Group).

This group consists of leaves usually grown at or above the center portion of the stalk. Cured leaves of the A group show a low percentage of injury affecting wrapper yield. Wrappers are high in oil, very elastic, and have a smooth leaf surface.

U.S. grades	*Grade names and specifications*
A1F	Choice Medium-brown Wrappers Medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
A2F	Fine Medium-brown Wrappers Medium body, ripe, firm, rich in oil, elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
A1D	Choice Dark-brown Wrappers Heavy, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
A2D	Fine Dark-brown Wrappers Heavy, ripe, firm, rich in oil, elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.

§ 29.2437 Heavy Leaf (B Group).

This group consists of leaves usually grown at or above the center portion of the stalk. These leaves have a pointed tip, tend to fold, are heavier in body than those of the X or C groups, and show no ground injury. Choice- and fine-quality leaves of this group have a distinctive, smooth leaf surface.

U.S. grades	*Grade names and specifications*
B1F	Choice Medium-brown Heavy Leaf Medium body, ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
B2F	Fine Medium-brown Heavy Leaf Medium body, ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
B3F	Good Medium-brown Heavy Leaf Medium body, mature, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4F	Fair Medium-brown Heavy Leaf Medium body, mature, close, lean in oil, inelastic, weak, dull-finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5F	Low Medium-brown Heavy Leaf Medium body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1D	Choice Dark-brown Heavy Leaf Heavy, ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, spready, 95 percent uniform, and 5 percent injury tolerance.
B2D	Fine Dark-brown Heavy Leaf Heavy, ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
B3D	Good Dark-brown Heavy Leaf Heavy, mature, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4D	Fair Dark-brown Heavy Leaf Heavy, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5D	Low Dark-brown Heavy Leaf Heavy, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3M	Good Mixed Color Heavy Leaf Medium to heavy body, mature, firm, oily, semielastic, normal strength and width, 80 percent uniform, and 20 percent injury tolerance.
B4M	Fair Mixed Color Heavy Leaf Medium to heavy body, mature, close, lean in oil, inelastic, weak, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5M	Low Mixed Color Heavy Leaf Medium to heavy body, mature, close, lean in oil, inelastic, weak, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3G	Good Green Heavy Leaf Medium to heavy body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4G	Fair Green Heavy Leaf Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5G	Low Green Heavy Leaf Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2438 Thin Leaf (C Group).

This group consists of leaves usually grown at the center portion of the stalk. These leaves normally have a rounded tip, are thinner in body than those of the B group, and show little or no ground injury. Choice- and fine-quality tobacco of this group has a distinctive, smooth leaf surface.

U.S. grades	*Grade names and specifications*
C1L	Choice Light-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
C2L	Fine Light-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3L	Good Light-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L	Fair Light-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5L	Low Light-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform and 40 percent injury tolerance.
C1F	Choice Medium-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
C2F	Fine Medium-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3F	Good Medium-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F	Fair Medium-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5F	Low Medium-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C2D	Fine Dark-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3D	Good Dark-brown Thin Leaf Thin to medium body, mature to ripe, firm, lean in oil, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4D	Fair Dark-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.

U.S. grades	Grade names and specifications
C5D	Low Dark-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M	Good Mixed Color Thin Leaf Thin to medium body, mature, firm, oily, semielastic, normal strength and width, 80 percent uniform, and 20 percent injury tolerance.
C4M	Fair Mixed Color Thin Leaf Thin to medium body, mature, close, lean in oil, inelastic, weak, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M	Low Mixed Color Thin Leaf Thin to medium body, immature, close, lean in oil, inelastic, weak, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G	Good Green Thin Leaf Thin to medium body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G	Fair Green Thin Leaf Thin to medium body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G	Low Green Thin Leaf Thin to medium body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2439 Lugs (X Group).

This group consists of leaves that normally grow near the bottom of the stalk. These leaves usually have a blunt tip, tend to roll, and show ground injury.

U.S. grades	Grade names and specifications
X1L	Choice Light-brown Lugs Thin to medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Light-brown Lugs Thin to medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Light-brown Lugs Thin to medium body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Light-brown Lugs Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Light-brown Lugs Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Medium-brown Lugs Medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F	Fine Medium-brown Lugs Medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Medium-brown Lugs Medium body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Medium-brown Lugs Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Medium-brown Lugs Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1D	Choice Dark-brown Lugs Medium to heavy body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2D	Fine Dark-brown Lugs Medium to heavy body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3D	Good Dark-brown Lugs Medium to heavy body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4D	Fair Dark-brown Lugs Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5D	Low Dark-brown Lugs Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3M	Good Mixed Color Lugs Medium to heavy body, mature, open, lean in oil, normal strength, 80 percent uniform, and 20 percent injury tolerance.
X4M	Fair Mixed Color Lugs Thin to medium body, mature, open, lean in oil, weak, 70 percent uniform, and 30 percent injury tolerance.
X5M	Low Mixed Color Lugs Thin to medium body, mature, open, lean in oil, weak, 60 percent uniform, and 40 prcent injury tolerance.
X3G	Good Green Lugs Medium to heavy body, mature, firm, lean in oil, normal strength, dull finish, 80 percent uniform, and 20 percent injury tolerance.
X4G	Fair Green Lugs Medium to heavy body, immature, close, lean in oil, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.
X5G	Low Green Lugs Thin to medium body, immature, close, lean in oil, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2440 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

U.S. grades	Grade names and specifications
N1L	First Quality Light Colored Nondescript Thin to medium body and 60 percent injury tolerance.
N1D	First Quality Dark Colored Nondescript Medium to heavy body and 60 percent injury tolerance.
N1G	First Quality Crude Green Nondescript 60 percent crude leaves or injury tolerance.
N2	Substandard Nondescript Nondescript of any group or color; over 60 percent crude leaves or injury tolerance.

§ 29.2441 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	Grade name and specifications
S	Scrap Tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

Summary of Standard Grades

§ 29.2461 Summary of standard grades.

4 Grades of Wrappers

A1F	A2F	A1D	A2D

16 Grades of Heavy Leaf

B1F	B5F	B4D	B5M
B2F	B1D	B5D	B3G
B3F	B2D	B3M	B4G
B4F	B3D	B4M	B5G

20 Grades of Thin Leaf

C1L	C2F	C4D	C4G
C2L	C3F	C5D	C5G
C3L	C4F	C3M	
C4L	C5F	C4M	
C5L	C2D	C5M	
C1F	C3D	C3G	

21 Grades of Lugs

X1L	X2F	X3D	X3G
X2L	X3F	X4D	X4G
X3L	X4F	X5D	X5G
X4L	X5F	X3M	
X5L	X1D	X4M	
X1F	X2D	X5M	

4 Grades of Nondescript

N1L	N1D	N2	N1G

1 Grade of Scrap

S

Special factors "U" and "W" may be applied to all grades.

Tobacco not covered by the standard grades is designated "No-G."

U.S. Standard Sizes Applicable

A1, A2	45, 46, 47
B1	45, 46, 47
B2	44, 45, 46, 47
B3, B4, B5	43, 44, 45, 46, 47
C1	45, 46, 47
C2, C3, C4, C5	44, 45, 46, 47
X3, X4, X5, M and G [1]	45

[1] No size is applied to these grades if tobacco is under size 45.

KEY TO STANDARD GRADEMARKS

§ 29.2481 Key to standard grademarks.

Groups

A—Wrappers.
B—Heavy Leaf.
C—Thin Leaf.
X—Lugs.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Fine.
3—Good.
4—Fair.
5—Low.

Colors

L—Light brown.
F—Medium brown.
D—Dark brown.
M—Mixed or variegated.
G—Green.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 22d day of May 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-8004 Filed 5-26-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-CE-12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Chariton, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure is being developed for the Chariton Municipal Airport, Chariton, Iowa. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Chariton, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is added:

CHARITON, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Chariton Municipal Airport (latitude 41°01'00" N., longitude 93°21'30" W.); and within 3 miles each side of the 352° bearing from the Chariton Municipal Airport extending from the 5-mile-radius area to 8 miles north of the airport.

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

Issued in Kansas City, Mo., on May 9, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-8036 Filed 5-26-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-CE-13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Columbia, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure is being developed for the E. W. Cotton Woods Memorial Airport, Columbia, Mo. Accordingly, it is necessary to alter the Columbia transition area to adequately protect aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

COLUMBIA, MO.

That airspace extending upward from 700 feet above the surface and within a 5-mile radius of the E. W. Cotton Woods Memorial Airport (latitude 39°00'15" N., longitude 92°17'45" W.); and within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.); within 2½ miles each side of the Hallsville, Mo., VORTAC 193° radial extending from the 8½-mile-radius area to 10 miles south of the VORTAC; excluding the portion which overlies the Jefferson City, Mo., 700-foot floor transition area; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the east by V-175, on the north by V-4, on the south by V-234 and on the west by longitude 92°40'00" W., excluding the portions which overlie the Vichy, Mo., and Kaiser, Mo., transition areas.

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

Issued in Kansas City, Mo., on May 9, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-8034 Filed 5-26-72;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 72-WA-18]

JET ROUTE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate the U.S. portion of a Jet Route from St. Georges, Province of Quebec, direct to Houlton, Maine; direct to Moncton, New Brunswick.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before ac-

tion is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The FAA is considering a proposal submitted by the Canadian Ministry of Transport for the designation of the United States portion of Jet Route No. 553 from St. Georges, Province of Quebec, direct to Houlton, Maine, direct to Moncton, New Brunswick. This proposed action would provide a designated route for transborder high altitude air traffic operating between St. Georges and Moncton.

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

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

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

[FR Doc.72-8035 Filed 5-26-72;8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket 69-7]

OCCUPANT CRASH PROTECTION

Notice of Date for Response to Petitions for Reconsideration

The purpose of this notice is to announce a date by which a response will be issued to the petitions for reconsideration of the amendment to Motor Vehicle Safety Standard No. 208 published February 24, 1972 (Docket 69-7, Notice 16; 37 F.R. 3911).

The NHTSA has found that it is not practicable to take action by May 24, 1972, the date by which action would ordinarily be taken under the agency's policy on petitions for reconsideration. Action on the above petitions is planned for issuance not later than July 1, 1972.

Issued on May 24, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-8067 Filed 5-24-72;3:03 pm]

[49 CFR Part 571]

[Docket 70-17]

AIR BRAKE SYSTEMS

Notice of Date for Response to Petitions for Reconsideration

The purpose of this notice is to announce a date by which a response will be issued to the petitions for reconsideration of the amendment to Motor Vehicle Safety Standard No. 121 published February 24, 1972 (Docket 70-17, Notice 3; 37 F.R. 3905).

The NHTSA has found that it is not practicable to take action by May 24, 1972, the date by which action would originally be taken under the agency's poicy on petitions for reconsideration. Action on the above petitions is planned for issuance not later than June 15, 1972.

Issued on May 24, 1972.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.72-8068 Filed 5-24-72;3:03 pm]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 582a]

[72-602]

DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

Investments and Other Transactions

MAY 23, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 582a of the Regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Part 582a) for the purpose of requiring that certain investments and other transactions by District of Columbia savings and loan associations be made in conformity with regulations applicable to Federal savings and loan associations. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 582a by adding a new § 582a.2 immediately after § 582a.1 to read as follows:

§ 582a.2 Investments and other transactions.

(a) *General.* A District of Columbia association may make any investment, or enter into any transaction, which is authorized by and within the limitations of §§ 545.6-1, 545.6-3, 545.6-4, 545.6-5, 545.6-6, 545.6-7, 545.6-8, 545.6-9, 545.6-10, 545.6-11, 545.6-12, 545.6-14, 545.6-14a, 545.6-15, 545.6-16, 545.6-17, 545.6-18, 545.6-20, 545.6-21, 545.6-22, 545.6-23, 545.6-24, 545.7, 545.7-1, 545.7-2, 545.7-3, 545.8, 545.8-1, 545.8-3, 545.9, 545.9-1, 545.9-2, 545.9-3, 545.10, and 545.11 of this chapter, as now or hereafter amended, for a Federal association which has a charter in the form of Charter K (rev.) or Chapter N, and shall not make any investment, or enter into any transaction, which is not authorized by said sections for, or does not conform to the limitations and provisions of said sections which would be applicable to, such a Federal association. However, a District of Columbia association may not make any investment or enter into any transaction which is not also authorized by or under its charter, certificate or articles of incorporation, constitution, bylaws, or any other organic document, as now or hereafter amended.

(b) *Saving clause.* The provisions of paragraph (a) of this section shall not prohibit the carrying out of commitments made prior to _____, 1972 (insert effective date of any final regulation), or prevent actions otherwise authorized by law with respect to investments and transactions made prior to such date.

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

Resolved further, that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by June 30, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.72-8092 Filed 5-26-72;8:49 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

DUE PROCESS AND APPELLATE RIGHTS

Disability, Death Benefits and Related Relief

In order to assemble various Veterans' Administration directives relating to due process and appellate rights with regard to claims adjudicated and decisions rendered by the Compensation and Pension Service within its area of responsibility so that the principles contained therein may be more readily available to interested members of the public, it is proposed to amend Title 38, Part 3 as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any Veterans Ad-

ministration field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective the date of approval.

It is proposed to amend § 3.103, Part 3, Title 38 of the Code of Federal Regulations to read as follows:

§ 3.103 Due process—procedural and appellate rights with regard to disability and death benefits and related relief.

(a) *Statement of policy.* Proceedings before the Veterans Administration are ex parte in nature. It is the obligation of the Veterans Administration to assist a claimant in developing the facts pertinent to his claim and to render a decision which grants him every benefit that can be supported in law while protecting the interests of the Government. This principle and the other provisions of this section apply to all claims for benefits and relief and decisions thereon within the purview of this part.

(b) *Submission of evidence.* Any evidence whether documentary, testimonial, or in other form, offered by a claimant in support of a claim and any issue he may raise and contention and argument he may offer with respect thereto are to be included in the records.

(c) *Hearings.* Upon request a claimant is entitled to a hearing at any time on any issue involved in a claim within the purview of this part. The Veterans Administration will provide the place of hearing in the Veterans Administration office having original jurisdiction over the claim or at the Veterans Administration office nearest his home having adjudicative functions and will provide Veterans Administration personnel who have original determinative authority of such issues to be responsible for the preparation of the transcript; however, further expenses involved will be the responsibility of the claimant. The claimant is entitled to produce witnesses and all testimony will be under oath or affirmation. The purpose of such a hearing is to permit the claimant to introduce into the record in person any evidence available to him which he may consider material and any arguments and contentions with respect to the facts and applicable law which he may consider pertinent. It is the responsibility of the Veterans Administration personnel conducting the hearing to explain fully the issues and to suggest the submission of evidence which the claimant may have overlooked and which would be of advantage to his position. It is their further responsibility to establish and preserve the record. Because of this and to assure clarity and understanding therein, questions which are directed to the claimant and to witnesses are to be framed to explore fully the basis for claimed entitlement rather than with an intent to refute evidence and to discredit testimony. In cases in which the nature, origin, or degree of disability is in issue, the claimant may request visual examination by the physician designated by the Veterans Administration as a participant in the hearing and his observations will be read into the record.

(d) *Representation.* Within the provisions and criteria of §§ 14.626 through 14.663 of this chapter a claimant is entitled to representation of his choice at every stage in the prosecution of a claim.

(e) *Notification of decisions.* The claimant will be notified of any decision affecting the payment of benefits or granting relief. Notice will include the reason for the decision and the date it will be effectuated as well as the right to a hearing subject to paragraph (c) of this section. The notification will also advise the claimant of his right to initiate an appeal by filing a Notice of Disagreement which will entitle him to a Statement of the case for his assistance in perfecting his appeal. Further, the notice will advise him of the periods in which an appeal must be initiated and perfected. (See Part 19, Subpart B of this chapter on appeals.)

Approved: May 19, 1972.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.72-8040 Filed 5-26-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1060]

[Ex Parte MC-71]

MOTOR CARRIER RATES IN PROCEEDINGS INVOLVING OWNER-OPERATORS

Cost Criteria for Use in Determining Compensativeness

Report and Order of the Commission. This is a rule making proceeding instituted on our own motion by notice and order of July 28, 1966, published in the FEDERAL REGISTER on August 26, 1966 (31 F.R. 11320), under authority of part II of the Interstate Commerce Act, particularly sections 204(a)(6), 216(g), and 216(i) (49 U.S.C. 304(a)(6) and 316 (g) and (i)), and section 553 of the Administrative Procedure Act (5 U.S.C. 553), for the purpose of determining whether new cost criteria should be formulated for use in evaluating the lawfulness of rates published by motor carriers of property where the underlying transportation service is performed by so-called owner-operators, in contrast to carriers owning and operating their own equipment (conventional carriers). This proceeding emanated from the decisions of the district court in Eastern Central Motor Carriers Ass'n v. United States, 239 F. Supp. 591 (1965), and 251 F. Supp. 483 (1966), which reversed our findings in the initial report in Drugs and Related Articles, New Jersey to Chicago, 322 I.C.C. 734 (1963), and the report on reconsideration in 326 I.C.C. 6 (1965), pertaining to cost evidence required of motor carriers employing owner-operators in proceedings involving proposed changed rates.

The order instituting the proceeding named as respondents all motor common and contract carriers of property operating in interstate or foreign commerce, subject to the act, and a copy of the notice and order was served on each. Respondents and other interested parties were invited to submit written representations of their views to the Commission. Based on the responses filed by a number of individual motor carriers, motor carrier organizations, and the class I railroads of the United States, a report and recommended order of a hearing examiner was served on July 20, 1967. In that report, the examiner found that a need exists for the establishment of cost criteria in determining the compensativeness of proposed rates on specific movements of traffic where the underlying transportation is performed by owner-operators, and recommended the adoption of certain criteria. Exceptions and replies thereto were subsequently filed. A list of the parties filing statements and exceptions, with their respective abbreviated titles, are set forth in appendix A hereto.[1]

Upon consideration of the record, the report and recommended order of the examiner, and the exceptions and replies thereto, we issued a further notice of proposed rule making on September 18, 1968, reproduced in appendix B hereto,[1] setting forth modified proposed standards or criteria to be promulgated for the assistance and guidance of parties in determining the compensativeness of motor carrier rates where the underlying service is performed by owner-operators. In brief, the criteria would define "territorial or regional average costs" (hereinafter referred to simply as regional costs), "actual cost," and "purchased transportation," and would provide that any party, in any proceeding in which the issue is whether motor carrier rates for service performed by owner-operators are compensatory, may submit evidence of any one or all of the defined costs.

All parties of record were served with a copy of the further notice, and it was published in the FEDERAL REGISTER of October 5, 1968 (33 F.R. 14972). In response to the invitation in the notice, 17 statements of data, views, or arguments, were submitted. The initial statements, exceptions, replies, and subsequent statements have been thoroughly analyzed and considered and it is deemed unnecessary to burden this report with full details; however, the positions taken in the subsequent statement will be briefly summarized hereinafter.

Background. The use by authorized motor carriers of owner-operators, which antedates passage of the Motor Carrier Act of 1935, has created special and complex problems in the regulation of the

[1] Appendices A and B filed as part of the original document.

motor carrier industry. The nature of these problems was disclosed in the nationwide investigation instituted in 1948 in Lease and Interchange of Vehicles by Motor Carriers, 52 M.C.C. 675 (1951). Therein, it was concluded, among other things, that the use of owner-operators was imperiling regulation because (1) the leases were usually on a single-trip basis, which produced a transitory relationship too short to orient properly the nonregulated owner-operators into the regulated motor carrier's operation (frequently, the trp lease constituted a lease of the carrier's operating certificate to a noncarrier without Commission approval); and (2) the practice of paying the owner-operator on the basis of a split or division of the revenues made it difficult to determine carrier costs for transportation services for ratemaking purposes. In an attempt to remedy these problems, the Commission prescribed rules requiring equipment leases to be of at least 30 days' duration, and prohibiting the carriers from splitting or dividing revenues with the owner-operators. Subsequently, in a supplemental report in Lease and Interchange of Vehicles by Motor Carriers, 68 M.C.C. 553, 556 (1956), the prior leasing regulations were modified as they presently appear in 49 CFR 1057, and therein the prohibition against authorized carriers splitting revenues with owner-operators was eliminated, and the practice has continued.[2]

In 1958, in Class Rates and Ratings, Malone Freight Lines, Inc., 304 I.C.C. 395, proposed rates of a carrier utilizing owner-operators were approved on the basis of favorable rate comparisons, but it was stated:

> While not important in this proceeding for the reasons just given, we deem it advisable, for future guidance, to make some observations with respect to the cost data presented by the respondent. The only costs of record for Malone are its average cost of 27.2 cents a truck-mile for 1955; its direct line-haul cost for that year of 22.7 cents a truck-mile, divided 3.7 cents for Malone and 19 cents for purchased transportation; and its operating ratio in the same year of 92.4 percent. There is some merit to protestant's argument that the data thus shown do not reflect the full, actual cost for performing the whole service, in the sense that they do not include the actual operating costs incurred by the owner-operators. In future cases in the interest of obtaining an adequate cost picture, particularly when main reliance is placed upon cost evidence, it would be helpful for Malone, and other similarly situated carriers, to show in more detail the actual costs incurred for the movement of the traffic involved. Data for representative owner-operator movements should not be difficult of collection or submission, and certainly they would facilitate determination of the compensativeness question.

Three years later, division 2, in Floor Coverings or Related Articles from East to South, 313 I.C.C. 530 (1961), called the Floor Coverings case, disapproved other proposed rates of that same carrier, stating:

> The cost data of record do not include the full actual cost for performing the entire service. Purchased-transportation agreements premised upon a percentage of revenue afford no sound basis for a determination of the compensativeness of rates. Here, Malone holds itself out under the proposed rates as performing a complete transportation service from origin to destination, and thus, in the absence, as here, of acceptable rate comparisons, the compensativeness of these rates requires a determination of the full costs of the service thereunder, including representative costs of the owner-operators.

The conclusions and findings in that proceeding were sustained in Malone Freight Lines, Inc. v. United States, 204 F. Supp. 745 (N.D. Ala., April 1962). However, subsequently that proceeding was reopened for reconsideration solely with respect to the matter of presentation of owner-operator cost. Thereafter, the Commission, in Iron or Steel Scrap from Conn., Mass, and R.I. to Pa., 318 I.C.C. 567 (December 1962), hereinafter called the Scrap case, set forth new criteria for determining such costs, and concurrently with issuance of that report, the order reopening the Floor Coverings case was vacated and set aside. In that report, the Commission emphasized the difficulty of obtaining reliable cost data for representative owner-operator movements, and the inability of the Commission to verify such data because of its lack of direct regulation over the owner-operators who are not required to maintain accounts and records in any particular form. In lieu of requiring the costs of the owner-operators, as in the Floor Coverings case, two new criteria were adopted for determining the compensativeness of rates where a motor carrier, utilizing owner-operators to perform the line-haul service, attempts to justify its rates solely or principally on a cost basis. It was concluded that the carrier must show (1) that the revenue retained by it, after payment of the owner-operator, fully covers the costs incurred by the carrier itself and yields a reasonable profit, and (2) that the revenue paid to the owner-operators is sufficient to acquire or retain the services of owner-operators for the movement of the traffic to which the rate is applicable. That case was not appealed.

Later, an action was brought in the Federal District Court in Eastern Central Motor Carriers Ass'n v. United States, 239 F. Supp. 591, 601 (D.D.C. 1965), challenging the criteria of the Scrap case, as applied in Drugs and Related Articles, New Jersey to Chicago, 322 I.C.C. 734 (1963). The court rejected the Scrap case principle on the ground that it was not supported by a rational basis, and that it discriminated against carriers owning and operating their own equipment which are required to show actual cost of service in connection with proposed rate changes. The court there stated:

> The sole reason given by the Commission for changing the requirements of evidence in Floor Coverings, was that "it is virtually impossible for carriers to collect and to submit reliable cost data for representative owner-operators movements." The majority base this conclusion on the fact that "owner-operators are not subject to direct regulation by the Commission" and consequently they are not required to maintain accounts and records or to file annual reports. But this overlooks the complete power of the Commission to require the submission of these data by the certificated carriers who can exact this information from their subcontractors who are their alter-ego in the actual carriage of commodities.
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> Under the criterion of the Iron or Steel Scrap case, applicable here, the same standard is not applied to carriers using owner-operators. They have only to prove that part of the revenue, the part they retain, exceeds their costs. The other costs are not examined. This part not examined * * * comprises approximately 60–70 percent of the cost of operation.
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> In this manner, the real carrier of the goods (the owner-operator) goes unregulated in a regulated industry and the purpose and design of the Interstate Commerce Act is circumvented. Unequal treatment is accorded on the one hand to the carriers who own and operate the equipment and who are required to submit refined and detailed costs data to assure compensativeness and, on the other hand, to the carriers who lease the equipment and crew and submit a lump sum covering the cost of rental equipment and crew and add to that only administrative and overhead costs and profit. This, in our opinion, is unjust discrimination against the self-sustaining carrier, as prohibited by the National Transportation Policy.

Upon remand, in a report on reconsideration, Drugs and Related Articles, New Jersey to Chicago, 326 I.C.C. 6 (1965), we attempted to comply with the court's opinion by providing a more detailed explanation for the principle applied in Iron and Steel Scrap. On appeal from that decision, in Eastern Central Motor Carriers Ass'n v. United States, 251 F. Supp. 483, 484 (D.D.C. 1966), the court held that we had failed to supply "additional reasons" to justify the Scrap criteria. No appeal from that decision was taken.

Summary of positions of the parties. The motor carrier organizations, the railroads, a group of major meatpackers and shippers, and an individual motor carrier using owner-operators to a great extent, all support a requirement that "actual cost" of performing the entire service be shown. They urge in general that such showing is required by the opinion in the Eastern Central case, and that the cost to the carrier for purchased transportation, that is the compensation of owner-operators is totally unrelated to the cost of performing that service. In addition, the meat shippers urge that regional average costs are not representative of costs for transporting specific commodities in truckloads by owner-operators because the regional

[2] However, it should be noted that the Commission stated:

> Our overall action herein does not mean that the eliminated rules or their objectives are unsound, nor that the entire subject may not require reconsideration at some future date. It does mean, however, that the passing of time and the growing difficulty of uniform application have made it imperative that we reduce the scope of the rules to an absolute minimum; that we close the books on the past record and its heretofore unresolved controversies; and that from this point forward we start with a clean slate upon which to record the results of the regulations being put into effect.

costs embrace all services performed by general-commodity carriers. The motor carrier organizations urge that changes in accounting rules should be made to require carriers using owner-operators to include data in their annual reports from which the costs of the latter could be determined. The individual motor carrier, Frozen Food Express, Inc., which considers owner-operators a vital part of its operations, states that a large majority of its owner-operators presently maintain records of their costs, that the information is readily available, and that a requirement that such costs be shown would help eliminate destructive competition and stabilize rates to the benefit of carriers, shippers, and the general public.

On the other hand, associations of machinery haulers, household goods movers, and tank truck carriers, a group of irregular-route motor carriers, a group of lumber carriers, and several individual carriers, all operating either exclusively or predominantly with owner-operators, urge that the payments to the latter are the actual cost to the carriers and that the actual costs of the owner-operators are impossible to obtain. To support the latter contention, reference is made to the fact that owner-operators keep only the records necessary for tax purposes, and, as they are their own bosses, so to speak, they can and do incur expenses, such as substantial out-of-line hauls for personal reasons, which are not attributable to the service performed on a shipment. The owner-operators employed by household goods movers frequently perform services in addition to line-haul transportation, and they also frequently serve more than one carrier on the same trip; allocation of the costs in the latter situation, it is asserted, would be virtually impossible. The group of irregular-route carriers suggests a proceeding to spread on a record the evidence to prove the impracticability of obtaining the costs of owner-operators.

Those opposed to showing the cost of owner-operators also object to the use of territorial or regional average costs because the latter include expenses not associated with the employment of owner-operators and with the performance of specialized services, as in the hauling of single commodities typified by lumber, and bulk commodities, or the moving of household goods.

The Contract Carrier Conference of the American Trucking Associations, Inc., urges that motor contract carriers should not be included within the purview of whatever rules might be established. They cite the difference between the duty of contract carriers under section 218(a) of the act "to establish and observe reasonable minimum rates" [emphasis added], and that of common carriers under section 216 "to establish, observe and enforce just and reasonable individual and joint rates." In further support of their position, they argue that contract carriers are in direct competition with private carriage, and less so with common carriage; that the relatively little contract-rate litigation would not justify the keeping of detailed expense data; and that, in any case, it is virtually impossible to show the costs of owner-operators because of the "hip-pocket" manner in which they operate. Concerning regional costs, they argue that such costs are highly misleading when applied to contract carrier operations.

Several of the parties object to specific sections of the proposed criteria, which, in view of our ultimate conclusion herein, it is deemed unnecessary to discuss.

Discussion and Conclusions

As stated, this proceeding was instituted for the purpose of determining whether new cost criteria should be established for evaluating the compensativeness of rates proposed for motor carrier service where owner-operators are employed, and it eventuated from the court opinions in the Eastern Central case, supra. Contrary to the argument of certain parties here that we should return to the Scrap case criteria, those opinions held that such criteria were not supported by any rational basis and were discriminatory. Clearly, therefore, in the absence of a rational basis which this record does not provide, there can be no return to those criteria. As previously discussed, the requirement of a showing of "full actual cost," including representative costs of the owner-operators, in the Floor Coverings case was upheld by the court. Consequently, we conclude that when cost evidence is relied upon to show that rates are compensatory it should show the cost of the service, not the compensation paid to owner-operators, and that, to avoid the discrimination referred to in the Eastern Central case, the same principle should apply equally to all carriers, regardless of their method of operation. It is emphasized, that the Eastern Central case did not hold that any particular method must be followed to prove that rates are compensatory.

Concerning the objections that suitable data cannot be obtained from owner-operators, as the court stated, the latter stand in the place of the carriers and act for the carriers. If the principals are not accountable for the entire service, they may be acting merely as brokers of transportation services. Carriers employing owner-operators have the same responsibility for furnishing evidence of the cost of operations performed under the authority conferred upon them by this Commission, as do those carriers which own and operate their own equipment, and they are all subject to the same provisions of the act regarding the burden of proving that contested proposed rates are just and reasonable.

Cost data offered under oath or in verified statements are not necessarily invalid simply because they cannot be verified by data contained in annual reports filed with the Commission, nor are data rejected as invalid solely because a carrier is not subject to complete reporting and accounting requirements. In Meats and Packinghouse Products, Midwest to Coast, 309 I.C.C. 551, for example, cost data of owner-operators in the form of a questionnaire, obtained by a statistician hired by the carrier, was offered in evidence. The evidence was accepted, over objections, as "reasonably reliable" although the owner-operators used various methods of keeping records. In this connection, as previously noted, one party hereto employing a large number of owner-operators states that most of them presently maintain cost records and that the information is readily available.

With respect to regional average costs, it is argued that they do not represent the cost of operations conducted with owner-operators, principally on the ground that those averages reflect the costs of general-commodity carriers, which are substantially higher. It is argued that the latter costs are heavily influenced by the substantial volume of less-than-truckload (LTL) traffic handled and terminal expenses incurred by the general-commodity haulers, in contrast to the dominance of truckload movements and the absence of terminal handling which are characteristics of transportation by owner-operators. Also, it is contended, regular-route general-commodity carriers operate over fixed routes with van-type equipment, while irregular-route specialized carriers operate over the shortest available routes and, in many instances, with flat-bed equipment which is less costly than vans; and the regional averages reflect the costs of large classes I and II carriers, while many carriers employing owner-operators are smaller class III carriers.

Admittedly, terminal expenses may be higher for general-commodity carriers, but we have seen no evidence that the costs of all owner-operators are less than those of carriers owning and operating their own equipment, based on units of service performed. We agree that where a carrier picks up and delivers traffic directly in a line-haul vehicle, the terminal expense will be less than if the shipment is platformed and/or reloaded from a pickup to a line-haul vehicle. However, the public statements publishing regional costs provide methods for adjusting pickup and delivery and other terminal expenses to eliminate service not actually performed. There is always some expense chargeable to pickup and delivery regardless of the type of operation, including costs from the terminal or point where the vehicle originates to the shipper's location and the running costs to the terminal at destination or to another shipper's location to pick up a return load.

While there are operational differences between specialized carriers using owner-operators and general-commodity carriers, the terminal expenses of the latter are maintained separately from line-haul expenses, and as stated, instructions are provided in the regional cost studies for making any necessary adjustments. We are not convinced that the average expenses per vehicle-mile for line-haul transportation are substantially different between carriers owning and operating their own equipment and those employing owner-operators. With respect to inclusion of LTL traffic in the regional costs, there

is no difference in the line-haul service on a truckload shipment of 30,000 pounds and on a movement of numerous LTL shipments totaling the same weight, from and to the same points. The difference in cost would be reflected primarily in the terminal expenses. Regarding the contention that regional costs are not appropriate where smaller class III carriers are concerned, differences in cost of operations are due primarily to degrees of efficiency, and the extent to which round-trip movements are balanced in volume, or, in other words, the number of empty vehicle-miles operated. Computations giving consideration to the latter can be submitted in formal proceedings. Finally, the contention that the equipment investment reflected in regional average costs is greater than that of specialized carriers, and that the latter consequently incur lower depreciation costs, is not necessarily valid. Some equipment used by specialized carriers is specially constructed and may represent greater investments than that in vans. Also, if less expensive equipment has a shorter life expectancy than more expensive equipment, the amount of depreciation and investment expense may be substantially the same on a vehicle-mile basis.

Where the proponent of a rate submits a cost study which reflects conditions surrounding the movement of the particular traffic by the proponent or a limited number of carriers, and they are acceptably developed, they would be more reliable than, and preferable to, costs based on regional averages. See Rules to Govern Assembling & Presenting Cost Evidence, 337 I.C.C. 298, 305. However, we have held in numerous proceedings that costs based on regional average costs of numerous class I and class II carriers of general commodities do not necessarily represent the actual costs of transporting a commodity between particular points, but that such costs constitute a prima facie showing that the rate is or is not compensatory, in the absence of effective rebuttal. See Fats, Tallows, Greases Betw. Fargo and Iowa-Kans.-Nebr., 315 I.C.C. 553, and Reels, Wire Carrying—Contract Carriers, Inc., 304 I.C.C. 693, 695.

With reference to the contention that contract carriers should be excluded from any criteria which might herein be prescribed, the fact that they are merely required to establish and observe reasonable minimum rates and charges is no warrant for their exclusion. As the examiner pointed out, costs come into play primarily to determine what would be a reasonable minimum level. Contract carriers are in competition with common carriers. No basis exists for distinguishing between the two types where the compensativeness of their rates is in issue.

Upon further review and reflection, we conclude that, since no particular criteria or requirements are formally published to be observed by conventional carriers in presenting evidence regarding the compensativeness of proposed individual rates (in contrast to those published in regard to general rate increases, see Ex Parte No. MC–82, New Procedures in Motor Carrier Rev. Proc., 340 I.C.C. 1), there is no warrant for publishing criteria in the form of specific rules with respect to carriers operating with owner-operators. As in the case of conventional carriers, any creditable method of showing the costs of the service performed by the owner-operator may hereafter be used, including the use of regional costs if the latter are shown to be appropriate. Payments made by carriers to owner-operators will not be acceptable. The selection of the costing method, or other method (such as comparisons of rates), to be followed in showing that rates in question are lawful, will be left to the discretion of the parties in each proceeding, and the evidence presented will be accorded the weight warranted by the circumstances. Our determination herein comports with our ultimate finding, among others, in Rules to Govern Assembling and Presenting Cost Evidence, supra, that:

> Approval and adoption of specific cost formulas, with a view toward giving prima facie validity to formula based costs, are not shown to be necessary or desirable.

We find that it is not shown to be necessary or desirable to formulate new cost criteria for use in determining the compensativeness of rates published by motor carriers employing owner-operators, and that the general principles referred to herein, which have been followed in the case of conventional carriers, shall be applied.

It is ordered, That this proceeding be, and it is hereby, discontinued.

By the Commission.[a]

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–8089 Filed 5–26–72;8:50 am]

[a] The report and order of the Commission by Chairman Stafford. Concurring statements by Vice Chairman Gresham and Commissioner Jackson filed as part of the original document. Dissenting statement by Commissioner, joined by Commissioner Tuggle, filed as part of the original document. Commissioner Walrath did not participate.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

STAINLESS STEEL SHEET FROM JAPAN

Notice of Intent To Discontinue Antidumping Investigation

Information was received on February 9, 1971, that stainless steel sheet from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 8, 1971, on page 6765.

I hereby announce an intent to discontinue the antidumping investigation of stainless steel sheet from Japan.

Statement of reasons on which this notice of intent to discontinue antidumping investigation is based. The investigation revealed that the proper basis of comparison is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. or f.a.s. port of export price, inland freight and insurance, hauling and lighterage, and foreign customs clearance charges, as appropriate.

Home market price for such or similar merchandise was based upon a monthly weighted-average of the delivered prices. From this price deductions were made for inland freight and insurance. Adjustments for differences in commissions, credit charges, and packing costs, were also made when applicable.

Comparison between purchase price and adjusted home market price revealed some instances where purchase price was lower than the adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of export sales involved.

In addition, formal assurances were received from the manufacturers that they would make no future sales at less than fair value within the meaning of the Act.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office no later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

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

MAY 25, 1972.

[FR Doc.72-8140 Filed 5-26-72;9:23 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DES 72-61]

TERMINATION OF HELIUM PURCHASE CONTRACTS

Notice of Availability of Draft Environmental Statement; Correction

In the FEDERAL REGISTER for Tuesday, May 23, 1972 (37 F.R. 10455), there appeared a notice of availability of draft environmental statement on "Termination of Helium Purchase Contracts." The second sentence of that notice, which through inadvertent error provided a period of 90 days for the submission of comments, is hereby revoked. The Guidelines of the Council on Environmental Quality provide that an agency should give at least 30 days to reply to a request for comments and should endeavor to accommodate requests for extensions of time of up to 15 days. In the light of these provisions, the Department has, by regulation, provided that a period of not less than 45 days should be established for reply. This is the period which should have been specified in the original notice.

Accordingly, written comments on the draft environmental statement entitled "Termination of Helium Purchase Contracts" (DES 72-61) are invited for a period of 45 days after the publication of this corrective notice in the FEDERAL REGISTER. Such comments should be addressed to the Director, Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20240.

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

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

JOHN W. LARSON,
Assistant Secretary of the Interior.

MAY 25, 1972.

[FR Doc.72-8146 Filed 5-26-72;10:56 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-283]

SEA SERVICE TANKERS, INC.

Notice of Application

Notice is hereby given that Sea Service Tankers, Inc., has filed an application dated December 15, 1971, under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy on vessels to be employed in U.S. foreign trade. Since Falcon Tankers, Inc., an affiliate of Sea Service Tankers, Inc., owns and/or operates four U.S.-flag tank vessels which are or may be employed in coastwise or intercoastal domestic service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required by Sea Service Tankers, Inc., if its application for operating-differential subsidy is approved.

Interested parties may inspect the application under consideration in the Office of Subsidy Administration, Maritime Administration, Room No. 4888, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Any person, firm, or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on June 9, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on June 12, 1972, in Room 4896, Department of Commerce Building, Fourteenth and E Streets NW.,

Washington, DC 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: May 24, 1972.

AARON SILVERMAN,
Acting Secretary.

[FR Doc.72-8095 Filed 5-26-72;8:49 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

AVAILABILITY OF RECORDS

Pursuant to the authority vested in the American Revolution Bicentennial Commission by Public Law 89-491, as amended, there are hereby prescribed the following regulations governing inspection of records, availability, and charges related thereto.

SECTION 1. *Inspection.* Records of the ARBC which are available to the public may be inspected or copied by any person during the normal business hours at the ARBC office headquarters. Request to inspect or to obtain copies of records shall be handled as promptly as possible with due regard for the dispatch of other public business. While there is no general requirement that requests to inspect must be in writing, applicants may be required to file written requests in instances in which such action will assist in the search for the records sought or in the orderly filling of such requests. A request to inspect or to obtain copies of a record must contain a reasonable specific description of the records sought.

SEC. 2. *Determinations as to availability of records.* (a) Section 552 of title 5, United States Code, as amended by Public Law 90-23 (the act codifying the "Public Information Act") requires that identifiable agency records be made available for inspection. Subsection (b) of section 552 exempts several categories of records from the general requirements but does not require the withholding from inspection of all records which may fall within the categories exempted. Accordingly, no request to inspect a record shall be denied unless the Deputy Executive Director (Finance and Administration) shall determine (1) that the record falls within one or more of the categories exempted and (2) either that disclosure is prohibited by statute or Executive order or that sound ground exists which requires the invocation of the exemption.

(b) An applicant may appeal to the Director of the ARBC, a determination by the Deputy Executive Director (Finance and Administration) that a record is not available for inspection.

SEC. 3. *Charges.* (a) No charge shall be made in connection with requests to inspect identifiable records in those instances involving no search or only a nominal search for the records. In those instances in which a request to inspect records requires more than a nominal search, a charge shall be made (in accordance with the policy of Bureau of the Budget Circular No. A-25, "User Charges") as follows: Five dollars ($5) per hour for search by clerk; search by professional staff at appropriate hourly rates for the cost of the service.

(b) A charge shall be made for copies of records as follows: Twenty-five cents ($0.25) per page each initial copy; additional copies, ten cents ($0.10) per copy.

(c) A charge of fifty cents ($0.50) may be made for each certificate or verification to authenticate copies of records furnished to the public.

Dated: May 19, 1972.

JACK LEVANT,
Director, American Revolution Bicentennial Commission.

[FR Doc.72-8070 Filed 5-26-72;8:48 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BARBADOS

Entry or Withdrawal from Warehouse for Consumption

MAY 24, 1972.

On May 19, 1972, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Barbados that it was renewing for an additional 12-month period beginning May 28, 1972, and extending through May 27, 1973, the restraint on imports into the United States of cotton textile products in Category 39, produced or manufactured in Barbados. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement, the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter of May 24, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amount of cotton textile products in Category 39, produced or manufacured in Barbados, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 28, 1972, be limited to the designated level.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MAY 24, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective May 28, 1972, and for the 12-month period extending through May 27, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 39, produced or manufactured in Barbados, in excess of a level of restraint for the period of 134,018 dozen pairs.

In carrying out this directive, entries of cotton textile products in Category 39, produced or manufactured in Barbados, which have been exported to the United States from Barbados prior to May 28, 1972, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period May 28, 1971, through May 27, 1972. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

A detailed description of Category 39 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Barbados and with respect to imports of cotton textiles and cotton textile products from Barbados have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 533. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-8086 Filed 5-26-72;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability of Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from May 1, 1972, to May 15, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: May 23, 1972.

WILLIAM HOLMBURG,
Acting Director,
Office of Federal Activities.

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN MAY 1, 1972 AND MAY 15, 1972

Responsible Federal agency	Identifying number and title	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-00045-27: Midwest Fuels Recovery Plant	2	A
Do	D-AEC-00036-31: Los Alamos Scientific Laboratory Plutonium Facility.	2	A
Do	D-AEC-00035-45: Rocky Flats Plutonium Recovery Facility.	2	A
Do	D-AEC-00030-54: Radioactive Waste Evaporator, Richland, Wash.	2	A
Do	D-AEC-00046-03: Vermont Yankee Nuclear Station	1	A
Corps of Engineers	D-COE-61043-22: Cowikee State Park Lakepoint Resort, W. F. George Lake, Chattahoochee River, Ala.	2	E
Do	D-COE-35020-18: Maintenance Dredging at Military Ocean Terminal, Sunny Point, N.C.	1	E
Do	D-COE-34029-23: Cumberland River Cordell Hull Dam and Reservoir, Tenn.	2	E
Do	D-COE-30031-24: Bank Stabilization Yazoo Basin Delta Area, Miss.	1	E
Do	D-COE-05070-11: Hannibal Locks and Dam, Ohio River and West Virginia.	1	F
Do	D-COE-36132-29: Portsmouth-New Boston Scioto County, Ohio.	3	F
Do	D-COE-35022-29: Pilot Sediment Removal Program, Ohio.	1	F
Do	D-COE-35017-27: Farmers Levee and Drainage District, Mason County, Ill.	1	F
Department of Agriculture	D-DOA-82032-01: Removal of Canada Plum to Control Green Peach Aphid, Aroostock and Penobscot Counties, Maine.	1	A
Do	D-DOA-82035-31: Mesquito Control Program on the Coronado National Forest, Arizona.	3	A
Do	D-DOA-82034-55: Eis on Suislaw National Forest Herbicide Program.	1	K
Department of Commerce	D-DOC-89075-54: Expo '74	1	K
Do	D-DOC-89082-54: North Greenwood West Storm Drain Project.	1	K
Department of Defense	D-DOD-84008-00: Over the Horizon Radar System	1	A
Do	D-DOD-84009-00: Advanced Ballistic Re-entry Systems Radioactive Sensors	1	A
Do	D-DOD-11015-21: Eglin Air Force Base, Fla	1	E
Do	D-DOD-11014-40: Project Diamond Ore, Montana	2	I
Department of the Interior	D-DOI-61025-00: Potomac Heritage Trail	1	A
Do	D-DOI-61044-18: Eno Park Area Acquisition, Durham, N.C.	2	E
Do	D-DOI-61047-31: Proposed Master Plan White Sands National Monument	2	G
Do	D-DOI-36177-36: South Fork Watershed Pawnee and Richardson Counties	1	H
Do	D-DOI-61038-43: Proposed Master Plan for Yellowstone Park	1	I
Do	D-DOI-61051-43: Proposed Master Plan Grand Teton National Park	1	I
Do	D-DOI-61036-43: Proposed Tetons Wilderness, Grand Teton Park	1	I
Do	D-DOI-61039-43: Proposed Wilderness Yellowstone National Park	1	I
Department of Transportation	D-DOT-50088-12: Bridge Across Patapsco River, Md	1	A
Do	D-DOT-41280-00: Proposed General Guidelines for the Consideration of Economic, Social and Environmental Effects of Highway Projects.	1	A
Do	D-DOT-41181-05: Reconstruction of Route 86 Vernon-Tolland, Conn.	2	B
Do	D-DOT-41154-05: Interstate 84 Manchester-Bolton-Coventry-Andover, Columbia, Conn.	2	B
Do	D-DOT-41236-07: Second Avenue Project N.Y.-UTG-44, Manhattan.	2	C
Do	D-DOT-41182-07: Sunrise Highway Extended, Suffolk County, N.Y.	2	C
Do	D-DOT-41168-12: Dualization of Maryland Routes 2 and 4 Calvert County, Md.	1	D
Do	D-DOT-41128-15: Route 33 Proposed Lehigh Street Viaduct, Richmond, Va.	1	D
Do	D-DOT-41260-11: L.R. 16059, Sec A01 (Cook Forest State Park), Pa.	1	D
Do	D-DOT-41169-12: Maryland Route 235 0.8-mile North of Hollywood Street.	1	D
Do	D-DOT-41216-21: State Road 20, Washington County, Fla.	1	E
Do	D-DOT-41215-23: Project F-024-3( ) Putnam County, Tenn.	1	E
Do	D-DOT-41214-20: State Road 95 Escambia County, Fla.	1	E
Do	D-DOT-41182-22: Elmore County Relocate Ala-14 Wetumka to Tallmadga, Ala.	2	E
Do	D-DOT-51144-19: Fairfield County Winnsboro Airport, S.C.	2	E
Do	D-DOT-51143-24: Gulf Central Airport Stennis Field Bay St. Loins, Mississippi.	2	E
Do	D-DOT-41243-23: Grainger County Relocation of State Route 32 Tenn.	2	E
Do	D-DOT-41227-17: APD127 (43) Pike, Letcher Counties, Ky.	1	E
Do	D-DOT-41223-18: Newton Eastern Urban Loop, Catawba, N.C.	1	E
Do	D-DOT-41217-21: State Road 516 Brevard County, Fla	1	E
Do	D-DOT-50093-27: Willow Springs Road Bridge Replacement (FAS 119) Cook County, Ill.	1	F
Do	D-DOT-41191-27: La Salle County, FA Route 24, Ill	1	F
Do	D-DOT-41176-28: U.S. 30 (Improvement) Allen County, Ind.	1	F
Do	D-DOT-40964-27: FA Route 2, Winnebago County, Ill.	1	F
Do	D-DOT-51155-25: Marlette Airport, Sanilac County, Mich.	1	F
Do	D-DOT-51148-29: Cuyahoga County Airport, Cleveland, Ohio.	1	F

APPENDIX I—Continued

Responsible Federal agency	Identifying number and title	General nature of comments	Source for copies of comments
Do	D-DOT-51146-30: Aitkin Municipal Airport, Aitkin County, Minn.	1	F
Do	D-DOT-51140-28: Kokomo Municipal Airport, Howard County, Ind.	1	F
Do	D-DOT-51130-25: Gladwin Airport, Gladwin County, Mich.	1	F
Do	D-DOT-50089-25: Highway-Bridge-Tittabawassee River, Midland County, Mich.	1	F
Do	D-DOT-41241-29: FAS Route 145-STH 60-STH 143 CTH "G" Washington County, Wis.	1	F
Do	D-DOT-41205-29: Township Road No. 107 (Oregon Road) Wood County, Ohio.	1	F
Do	D-DOT-41204-27: F.A. Route 45 (Mannheim Road) Lake Street to Irving Park Road, Cook County, Ill.	1	F
Do	D-DOT-41203-29: State Route 252 (Relocation) Columbia Road, Cuyahoga County, Ohio.	2	F
Do	D-DOT-41218-38: 89 S 1567(1) Shawnee County, Kans.		H
Do	D-DOT-41199-38: K-7 Johnson and Wyandotte, Kans.	2	H
Do	D-DOT-51142-36: Grant Municipal Airport, Grant, Nebr.	1	H
Do	D-DOT-41219-36: F-2(21) and F-246(19) Dawson-Falls City, Nebr.	1	H
Do	D-DOT-41197-39: RTS J & M Reynolds Co., Mo.	2	H
Do	D-DOT-41165-41: Highway F6002(05)910 for Fifth Street North Grand Forks, N. Dak.	3	I
Do	D-DOT-41221-56: I-IG-80N-2(38)120 East Glenns Ferry, Idaho	1	K
Do	D-DOT-41220-57: Homer East Road, Alaska	2	K
Do	D-DOT-41148-57: Fish Creek Road, Alaska	1	K
Federal Power Commission	D-FPC-89056-12: Authority to import Algerian LNG, Cove Pt., Md., and Savannah, Ga.	2	A
Do	D-FPC-07048-20: Georgia Power Co., Lloyd Shoals Project, Ga.	2	E
Do	D-FPC-05372-18: Nantahala Project, Macon and Clay Counties, N.C.	1	E
Do	D-FPC-05371-20: Application for relicensing Georgia Power Co., Flint River Project No. 1218, Georgia.	1	E
Department of Health, Education, and Welfare.	D-HEW-84007-33: National Center for Toxicological Research, Pine Bluffs.	1	A
Department of Housing and Urban Development.	D-HUD-85040-16: Fort Lincoln Urban Renewal Project.	2	A
Do	D-HUD-85044-07: Proposed New Community of Welfare Island, N.Y.	2	C
Department of the Treasury	D-TRE-00026-00: Proposed approval of Polyvinyl Liquor Bottles.	3	A

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggest only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-8021 Filed 5-26-72;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015 or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of application to institute a dual rate contract system filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, NY 10004.

Notice is hereby given that the member lines of the American West African Freight Conference have filed with the Commission pursuant to section 14b of the Shipping Act, 1916, an application for permission to institute a second dual rate system and form of contract for the carriage of aluminum ingots, copper ingots, latex, logs and lumber, rubber in packages, tapioca flour (manioc flour), and zinc ingots or slabs, moving in the trade westbound from West African ports (south of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly, border of Southwest Africa) including the Atlantic islands of the Azores, Maderia, Canary, and Cape Verde, also the islands of Fernando Po, Principe, and Sao Tome in the Gulf of Guinea to U.S. Atlantic and gulf ports and Canadian Atlantic and St. Lawrence River ports not west of Montreal. The application provides that the contract rates

shall be lower by a fixed percentage of 15 percent than the ordinary rates for each commodity, as set forth in the conference tariff, and under terms and conditions described in the contract.

Dated: May 22, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-8072 Filed 5-26-72;8:47 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY FOR OIL POLLUTION

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01028---	Flensburger Schiffsparten Vereinigung AG: Neptun.
01048---	Adriatic Maritime Co., Ltd.: Cavalier of Athens.
01281---	Golfos Navegacion S.A.: Yangos.
01299---	Compagnie Havraise et Nantaise Peninsulaire: Hypolite Worms. Pengall. Penquer. Ivondro. Penchateau. Penerf. Penhir.
01306---	Shaw Savill & Albion Co., Ltd.: Alaric.
01338---	Societe Francaise de Transports Petroliers: Saintonge. Dauphine. Franche Comte. Bourgogne. Berry. Touraine. Armagnac. Bearn. Lorraine. Artois.
01423---	Charente Steamship Co., Ltd.: Governor.
01767---	Gulf & South American Steamship Co., Ltd.: Gulf Merchant.
01857---	Ohg I. Fa Bernhard Schulte: Hamburger Burg. Hamburger Tor.
01861---	BP Tanker Co., Ltd.: British Resource.
02014---	Giovanni di Maio: Concordia Maria.
02146---	Pittston Marine Corp.: Pittston 20. Pittston 21. Pittston 30. Pittston 40. Pittston 200.
02428---	The Kinsman Marine Transit Co.: John P. Reiss. Otto M. Reiss. Raymond H. Reiss.
03292---	Maritimecor S.A.: Gladiola.
03441---	Japan Line K.K.: Mont Blanc Maru.
04416---	Howaldt & Co., Hamburg: Sabine Howaldt.
04613---	McQueen Marine, Ltd.: Mary Ellen.
04622---	Island Tug & Barge Limited: Island Spruce. Island Fir. Island Logger. Island Exporter. I.T. 103. I.T. 106. I.T. 109. Island Hemlock. Island Importer. Sudbury II.
05249---	Superb Mariners, S.A.: T.S. Superina.
05326---	Luna II Compania Naviera S.A., Panama: Canaris.
06395---	Kommanditgesellschaft Lenox Gesellschaft fur Schiffahrt U. Aussenhandel MBH & Co.: Papenburg.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-8075 Filed 5-26-72;8:47 am]

[Independent Ocean Freight Forwarder License 89]

GULF FORWARDING CO.

Order of Revocation

By letter dated April 10, 1972, Jean L. Couret, doing business as Gulf Forwarding Co., 4711 Babylon Street, New Orleans, LA 70126, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 89 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 6, 1972.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Jean L. Couret, doing business as Gulf Forwarding Co., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated May 1, 1972);

It is ordered, That the Independent Ocean Freight Forwarder License of Jean L. Couret, doing business as Gulf Forwarding Co. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Jean L. Couret, doing business as Gulf Forwarding Co. be and is hereby revoked effective May 6, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Jean L. Couret, doing business as Gulf Forwarding Co.

WM. JARREL SMITH, Jr.,
Deputy Managing Director.

[FR Doc.72-8074 Filed 5-26-72;8:47 am]

INTER-AMERICAN FREIGHT CONFERENCE (SECTION A)

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015 or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of application to institute a dual rate contract system filed by:

Wilbur Van Emburgh, Jr., Executive Administrator—Section A, Inter-American Freight Conference, 17 Battery Place, New York, NY 10004.

Notice is hereby given that the member lines of the Inter-American Freight Conference—section A have filed with the Commission pursuant to section 14b of the Shipping Act, 1916, an application for permission to institute a dual rate system and form of contract, to apply on all cargo for which contract/noncontract rates are offered, from U.S. Atlantic and gulf ports to ports in Brazil, Uruguay, Argentina, and Paraguay. The application provides that noncontract rates shall be 15 percent higher than the contract rates as set forth in the conference tariff under terms and conditions described in the contract.

Dated: May 22, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-8073 Filed 5-26-72;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. G-4904 etc.]

AMOCO PRODUCTION CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

MAY 17, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 12, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4904 E 5-8-72	Amoco Production Co. (Operator) et al. (successor to Northern Pump Co.), Post Office Box 591, Tulsa, OK 74102.	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	[1] 12.19375	14.65
G-4904 E 5-8-72	do	do	[1] 12.19375	14.65
G-4904 E 5-8-72	Amoco Production Co. (Operator) et al. (successor to Gaylord S. Davidson et al.), Post Office Box 591, Tulsa, OK 74102.	do	[1] 12.19375	14.65
G-4904 E 5-8-72	Amoco Production Co. (Operator) et al. (successor to Harriet Hawley Fermaud), Post Office Box 591, Tulsa, OK 74102.	do	[1] 12.19375	14.65
G-4904 E 5-8-72	Amoco Production Co. (Operator) et al. (successor to Myra Hofmeister), Post Office Box 591, Tulsa, Ok 74102.	Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	[2] 12.19375	14.65
G-5236 C 5-9-72	Cabot Corp., Post Office Box 1473, Charleston, WV 25325.	Consolidated Gas Supply Corp., Fayette, McDowell, and Wyoming Counties, W. Va.	([3])	15.325
G-6053 C 5-8-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	United Gas Pipe Line Co., Gibson Field and East Gibson Field, Terrebonne Parish, La.	25.3	15.025
G-9311 E 5-8-72	Herman Geo. Kaiser (Operator) et al. (successor to Amerada Hess Corp.), 4120 East 51st St., Tulsa, OK 74135.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kansas and Baca County, Colo.	[4] 17.5 [5] 18.0	14.65
G-11229 C 5-2-72 [6]	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	United Gas Pipe Line Co., E. F. Parker Unit, Logansport Field, De Soto Parish, La.	[7] 13.5508	15.025
G-15463 C 5-9-72	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, OK 74102.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	[8] 15.0643	15.025
CI65-1213 E 5-8-72	Herman Geo. Kaiser (Operator) et al. (successor to Amerada Hess Corp.), 4120 East 51st St., Tulsa, OK 74135.	Baca Gas Gathering System, Inc., Midway Field, Baca County, Colo.	[9] 13.0	14.65
CI67-474 E 5-8-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Interstate Field, Morton County, Kans.	[10] 10.0	14.65
CI68-609 E 5-8-72	do	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	[11] 13.0	14.65
CI72-660 4-12-72 [12]	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Sarco Creek Field, Goliad County, Tex.	24.0	14.65
CI72-700 (G-12500) F 4-21-72	Car-Tex Producing Co. (successor to Barnwell, Inc.), Post Office Box 655, Carthage, TX 75633.	Arkansas Louisiana Gas Co., Bethany Field, Panola County, Tex.	[13] 12.4374	14.65
CI72-703 4-27-72 [14]	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202.	Northern Natural Gas Co., Lips-Morrow Field, Roberts County, Tex.	[15] 18.0675	14.65
CI72-704 (C170-865) B&E 4-26-72	Bell Western Corp. (successor to Glasscock Leaseholds, Inc.), 1018 Houston Citizens Bank Bldg., 1801 Main St., Houston, TX 77002.	Valley Gas Transmission, Inc., El Oro Field, Duval County, Tex.	([16])	.....
CI72-705 A 5-1-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., Shoe Bar Atoka Pool, Lea County, N. Mex.	[17] 27.0	14.65
CI72-706 A 5-1-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Transwestern Pipeline Co., Halley Field Area, Winkler County, Tex.	[18] 28.512	14.65
CI72-709 A 5-4-72	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Antelope Field, Sweetwater County, Wyo.	[19] 23.16	14.65
CI72-710 (G-20465) F 2-22-72	Lynco Oil Corp. (successor to Mountain States Natural Gas Corp.), 4101 East Louisiana Ave., Denver, CO 80222.	El Paso Natural Gas Co., Ballard-Gavilan-Picture Cliff, Rio Arriba, N. Mex.	13.0	15.025
CI72-711 A 5-4-72	Evelyn J. Bailey, 1312 Northeast 55th St., Oklahoma City, OK 73111.	Panhandle Eastern Pipe Line Co., Guymon-Hugoton Gas Field, Texas County, Okla.	13.0	14.65
CI72-712 B 5-5-72	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202.	H. L. Hunt, Whelan Field, Harrison County, Tex.	Depleted	.....
CI72-713 (CS71-2) F 5-8-72 [20]	Skelly Oil Co. (successor to George F. Thaggard, Jr., Trustee and Ted Leyhe), Post Office Box 1650, Tulsa, OK 74102.	Northern Natural Gas Co., Haley Unit, Loving and Winkler Counties, Tex.	[19] 17.5656	14.65
CI72-714 A 5-8-72	Texaco, Inc., Post Office Box 60252, New Orleans, LA 70160.	United Gas Pipe Line Co. and Southern Natural Gas Co., East Cameron Block 224 Field, Offshore Louisiana.	[21] 26.0	15.025
CI72-715 B 5-1-72	Commercial Solvents Corp., a Maryland corporation, Post Office Box 1591, Monroe, LA 71201.	Ashland Oil, Inc., Monroe Gas Field, Union Parish, La.	Uneconomical	.....
CI72-716 (CS71-2) F 5-8-72 [20]	Skelly Oil Co. (successor to George F. Thaggard, Jr., Trustee and Ted Leyhe), Post Office Box 1650, Tulsa, OK 74102.	Natural Gas Pipeline Co. of America, Haley Unit, Loving and Winkler Counties, Tex.	[19] 27.0	14.65
CI72-717 A 5-8-72	Midwest Oil Corp., 1700 Broadway, Denver, CO 80202.	Lone Star Gas Co., Pettigrew Lease, Stephens County, Okla.	[18] 18.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] Initial price includes 12.50050 cents per Mcf base rate (fractured), plus 0.00325 cent per Mcf tax reimbursement and minus 0.31 cent per Mcf downward B.t.u. adjustment.
[2] Initial price includes 12.50050 cents per Mcf base rate (fractured), plus 0.00325 cent per Mcf tax reimbursement.
[3] Applicant proposes to sell and deliver gas to Consolidated Gas Supply Corp. under a gas exchange agreement.
[4] For sales in Kansas.
[5] For sales in Colorado. Rate in effect subject to refund in Dockets Nos. RI65-334 and RI69-338.
[6] Applicant proposes to continue the sale of natural gas authorized in Docket No. G-11229 to be made pursuant to The Hunter Co., Inc., FPC Gas Rate Schedule No. 6.
[7] Applicant is willing to accept a certificate at an initial rate of 13.5508 cents per Mcf; however, the contract price is 20 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[8] Casinghead gas. Exclusive of settlement for liquids.
[9] Rate in effect subject to refund in Docket No. RI71-42.
[10] Pursuant to Opinion No. 586; however, the contract price is 16 cents per Mcf.
[11] Plus applicable state and local tax.
[12] Application previously noticed Apr. 27, 1972, in G-4904 et al., erroneously as an initial service. Applicant proposes to continue the sale of its own gas heretofore authorized in Docket No. G-3850 to be made pursuant to Ginther, Warren & Co. FPC Gas Rate Schedule No. 1.
[13] Application previously noticed May 9, 1972, in G-3894 et al., at a rate of 12.45 cents per Mcf. The application should be noticed at 12.4374 cents per Mcf.
[14] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI62-1210 to be made pursuant to Mesa Petroleum Co. et al., FPC Gas Rate Schedule No. 26.
[15] Includes 0.0675 cent per Mcf tax reimbursement.
[16] Contractual agreement.
[17] Applicant is willing to accept a certificate conditioned to an initial rate of 27 cents per Mcf, subject to upward and downward B.t.u. adjustment; however, the contract price is 31 cents per Mcf, subject to B.t.u. adjustment.
[18] Includes 1.512 cents per Mcf upward B.t.u. adjustment.
[19] Subject to upward and downward B.t.u. adjustment.
[20] Applicant proposes to sell gas from reserves acquired in place from George F. Thaggard, Jr., Trustee, a small producer certificate holder in Docket No. CS71-2 and Ted Leyhe.
[21] Applicant is willing to accept a certificate conditioned to an initial rate of 26 cents per Mcf; however, the contract price is 30 cents per Mcf.

[FR Doc.72-8008 Filed 5-26-72;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL TRUST COMPANY ROCHESTER, N.Y.

Order Approving Application for Merger of Banks

Central Trust Company Rochester, N.Y., Rochester, N.Y. (Central Bank), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with the First National Bank of Painted Post, Painted Post, N.Y. (Painted Post Bank), under the charter and title of Central Bank. As an incident to the merger, the two offices of Painted Post Bank would become branches of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Central Bank ($227 million deposits),[1] a subsidiary of Charter New York Corp., New York City, operates 14 offices in New York State's Eighth Banking District, of which 13 are located in Monroe County and one in the northern portion of Steuben County. It holds 9.6 percent of the District's commercial bank deposits as the fourth largest of the District's 31 banks and ranks fourth among the eight banks headquartered in Monroe County, controlling approximately 11 percent of county deposits.

[1] All banking data are as of Dec. 31, 1971, except branch deposit data are as of June 30, 1970.

Painted Post Bank ($9 million deposits) operates two offices in the southeastern portion of Steuben County. It is the 18th largest bank in the Eighth Banking District and the seventh largest of nine banks domiciled in Steuben County, holding 0.4 and 7.4 percent of the deposits in these respective areas. Painted Post Bank competes primarily with three larger banks that control deposits ranging from $863 million to $11 million. Consummation of the proposed merger would not adversely affect other area banks nor significantly increase the concentration of banking deposits in any relevant area.

The subject banks operate in separate markets, their service areas do not overlap, and their nearest banking offices are located approximately 35 miles apart. No significant existing competition would be eliminated by the proposed merger between either the merging banks or between any of the banking offices of Charter's subsidiaries and Painted Post Bank. It also appears that no substantial potential competition would be foreclosed by consummation of the merger in view of the limitations placed on branching by New York State laws, the distances separating the banks, and the limited economic prospects for the area served by Painted Post Bank. Based on the foregoing and the record before it, the Board concludes that consummation of the proposed merger would not adversely affect competition in any relevant market but would likely increase competition in Steuben County by providing a more effective competitor to the larger banks operating in the area.

The financial and managerial resources of Central and Painted Post Banks are generally satisfactory, and the prospects for the resulting bank appear favorable. Considerations relating to banking factors are consistent with approval of the application. As a result of the merger of the customers of Painted Post Bank would be provided with expanded loan and deposit services, trust department facilities, and automated banking services. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application and lend some weight thereto. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-8044 Filed 5-26-72;8:46 am]

CENTRAN BANCSHARES CORP.

Order Approving Acquisition of Banks

Centran Bancshares Corp., Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied, in three separate applications as set forth below, for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire: 1) 99.33 percent of the voting shares of the Richland Trust Co., Mansfield, Ohio (Richland Bank); 2) 98.83 percent of the voting shares of the Farmers and Savings Bank, Loudonville, Ohio (Farmers Bank); and 3) 97.61 percent of the voting shares of the Sutton State Bank, Attica, Ohio (Sutton Bank). The above transactions would be effected through the acquisition by Centran Bancshares Corp. of all the shares of Mid-Ohio Banc-Shares, Inc., Mansfield, Ohio, a registered bank holding company which presently owns the specified percentages of the three banks that are to be acquired.

Notice of receipt of the applications has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant has two subsidiary banks with total deposits of $1.2 billion, and ranks as the fourth largest banking organization and second largest bank holding company in Ohio with 5.4 percent of the total commercial bank deposits in the State. (All banking data are

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Robertson and Maisel.

as of June 30, 1971, adjusted to reflect holding company acquisitions approved through March 31, 1972.) Applicant's lead bank, Central National Bank of Cleveland, is headquartered in Cleveland and operates 48 branches throughout Cuyahoga County; its other subsidiary bank, American Bank of Commerce, is headquartered in Akron and operates 16 branches throughout Summit County.

Mid-Ohio Banc-Shares, Inc., by virtue of its control of Richland Bank ($63.9 million deposits), Farmers Bank ($12.3 million deposits), and Sutton Bank ($6.9 million deposits), ranks as the State's eighth largest bank holding company. As a result of consummation of the proposal, the three banks presently owned by Mid-Ohio would be acquired by applicant, and applicant's share of deposits in the State would be increased by 0.4 percent, resulting in applicant becoming the State's third largest banking organization while remaining its second largest bank holding company.

In contrast to applicant, Mid-Ohio, as one of Ohio's smaller bank holding companies, has been restricted in its acquisitions primarily to smaller banks located in medium size cities or rural communities. As a result thereof, Mid-Ohio serves markets separate and distant from those served by applicant's present subsidiaries. Richland Bank, the second largest of five banks in Richland County, is headquartered and operates four of its branches in Mansfield, Ohio, the county seat of Richland County, which is 74 miles southwest of Cleveland and 64 miles southeast of Akron; it also operates five other branches within a radius of 18 miles from Mansfield. Farmers Bank, the fourth largest of five banks in Ashland County, is headquartered in Loudonville, located 83 miles southwest of Cleveland and 91 miles southeast of Akron, and operates its single branch 5 miles northwest of Loudonville. Sutton Bank, the sixth largest of eight banks in Seneca County, operates its only office in Attica, located 75 miles southwest of Cleveland and 84 miles west of Akron. There is no significant existing competition, nor potential therefor, between applicant's subsidiary banks and the banks to be acquired, primarily due to the distances separating the banks (the nearest office of applicant's subsidiaries to any office of the proposed subsidiaries is approximately 45 miles), the presence of numerous banking alternatives, and Ohio's restrictive branching laws, which generally limit a bank to branching within its home county.

Although consummation of the proposal could tend to foreclose the development of some potential competition between applicant and Mid-Ohio, it appears unlikely that applicant would enter the areas served by the three proposed subsidiaries, or that Mid-Ohio possesses the necessary financial resources for meaningful entry into the areas presently served by applicant's existing subsidiaries. Consummation of the proposal would remove Mid-Ohio as a holding company in the competitive structure of Ohio banking; however, the Board does not consider that this result alone requires denial of the present proposal in light of Mid-Ohio's relatively small size and the nature and size of its banking subsidiaries. On the basis of the foregoing and the facts of record, the Board concludes that the competitive considerations are consistent with approval of the applications.

Considerations relating to the financial and managerial resources and prospects of applicant, its subsidiaries, and the banks involved are regarded as satisfactory and consistent with approval of the applications. It does not appear that any significant banking needs are going unserved in the areas served by each of the proposed subsidiary banks. However, affiliation with applicant should result in each of the proposed subsidiary banks being able to offer its customers new and expanded banking services. Specifically, through applicant's resources, each of the proposed subsidiaries will be able to provide increased business loan assistance, trust services, and an expanded mortgage lending program. The ability of each of the proposed subsidiary banks to offer these additional services should benefit the residents of its respective service area by providing an additional source of complete banking services. Thus, considerations relating to the convenience and needs of the communities involved are consistent with, and lend slight weight toward, approval of the applications. It is the Board's judgment that the transactions would be in the public interest, and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above.[1] The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Acting Secretary of the Board.

[FR Doc.72-8045 Filed 5-26-7 am]

[1] Statement of Governors Robertson and Brimmer concurring in part and dissenting in part is filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

[2] Approval of acquisition of The Richland Trust Company. Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sheehan. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governor Maisel. Approval of acquisition of The Farmers and Savings Bank and The Sutton State Bank. Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Maisel.

DACOTAH BANK HOLDING CO.

Proposed Acquisition of Lemmon Insurance Agency, Inc.

Dacotah Bank Holding Co., Aberdeen, S. Dak., 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 Lemmon Insurance Agency, Inc., Lemmon, S. Dak. Notice of the application was published in the following newspapers:

Carson Press, Carson, S. Dak., April 5, 1972.
The Valley Irrigator, Newall, S. Dak., April 6, 1972.
Corson County News, McIntosh, S. Dak., April 6, 1972.
Adams County Record, Hettinger, N. Dak., April 5, 1972.
Buffalo Times-Herald, Buffalo, S. Dak., April 6, 1972.
The Faith Independent, Sturgis, S. Dak., April 5, 1972.
Timber Lake Topic, Timber Lake, S. Dak., April 6, 1972.
Lemmon Leader, Lemmon, S. Dak., March 30, 1972.
The Bison Courier, Bison, S. Dak., April 6, 1972.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities 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 persons may 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 propose 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 Minneapolis.

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 21, 1972.

Board of Governors of the Federal Reserve System, May 22, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-8046 Filed 5-26-72;8:46 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of La Porte State Bank, La Porte, Tex. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired, and none has been timely received. The Board has considered the application in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls eight banks with aggregate deposits of $1.3 billion, which amounts to 4.9 percent of the total commercial bank deposits in Texas. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through April 30, 1972.) Applicant presently owns 36.3 percent of the voting shares of Bank ($9.2 million in deposits) and controls it. Consummation of this proposed transaction would merely strengthen an affiliation that has existed since 1956. On the basis of the record, it appears that consummation of the proposal is not likely to have an adverse effect on existing or potential competition in any revelant area nor would any competing bank be adversely affected.

Considerations related to the convenience and needs of the communities to be served are consistent with approval. The financial and managerial resources and future prospects of applicant and its subsidiaries and of Bank are generally satisfactory and consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-8047 Filed 5-26-72;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer and Sheehan. Absent and not voting: Governors Robertson and Maisel.

FIRST UNION, INC.

Order Approving Acquisition of Bank

First Union, Inc., St. Louis, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the First National Bank of Liberty, Liberty, Mo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section (3)(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the third largest bank holding company and the third largest banking organization in Missouri, controls nine banks with aggregate deposits of $887.3 million, representing approximately 7.8 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through April 30, 1972.) As a result of consummation of the proposal herein, applicant's position in relation to the State's other bank holding companies and banking organizations would remain unchanged.

Bank ($12.8 million), located 15 miles northeast of downtown Kansas City in Clay County, is the largest bank in Liberty and second largest of seven banks competing in its primary service area (approximated by the communities of Liberty, Kearney, Excelsior Springs, Claycomo, and a portion of Gladstone). Bank holds 17.5 percent of the total commercial bank deposits in that area. One of applicant's present subsidiary banks, The National Bank of North Kansas City, is located 13 miles from Bank, but does not appear to be a significant competitor to Bank due to the presence of a number of banks in the intervening area. None of applicant's other subsidiary banks competes with Bank to any significant extent, and the development of such competition is considered unlikely in light of Missouri's restrictive branching law and the distances separating Bank from applicant's subsidiaries.

Bank has not been an aggressive competitor within its service area, as evidenced by a low loan-to-deposit ratio. Affiliation with applicant should strengthen Bank's competitive capabilities in relation to the other area banks, including those Kansas City banks which derive business from residents of Bank's service area who commute to Kansas City. It does not appear that significant existing competition would be eliminated nor significant potential competition foreclosed by consummation of applicant's proposal, or that there would be undue adverse effects on any bank in the area involved.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are all regarded as satisfactory and consistent with approval of the application. It appears that consummation of applicant's proposal would not have any immediate effects on the convenience and needs of the communities involved, but the area presently being served by Bank is experiencing rapid development. Therefore, affiliation with applicant should enhance Bank's ability to meet the growing needs of the area, as well as strengthen its competitive posture with respect to the larger Kansas City banks serving the area. These considerations relating to the convenience and needs are consistent with, and lend some weight for approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-8048 Filed 5-26-72;8:46 am]

HMT CORP.

Formation of Bank Holding Company

HMT Corporation, Miami, Fla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Perrine, Perrine, Fla., and Bank of Cutler Ridge, Cutler Ridge, Fla.; and as an incident to the formation to acquire 90 percent or more of the voting shares of Florida Shares, Inc., Miami, Fla. (a corporation engaged primarily in the business of investing in corporate securities for long-term appreciation for its own account) which owns 24.9 percent of the outstanding shares of Bank of Perrine and 16.5 percent of the outstanding shares of Bank of Cutler Ridge. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Robertson and Maisel.

application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 9, 1972.

Board of Governors of the Federal Reserve System, May 23, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-8049 Filed 5-26-72;8:46 am]

RIBSO, INC.

Acquisition of Bank

Ribso, Inc., Rock Island, Ill., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 2.276 percent of the voting shares of Rock Island Bank and Trust Co., Rock Island, Ill., which were acquired during 1971 without the prior approval of the Board. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Ribso, Inc., indicates in the application that it presently owns 39.42 percent of the voting shares of Rock Island Bank and Trust Co. By order dated June 22, 1971, the Board has authorized any company which, between December 31, 1970, and June 22, 1971, has acquired an interest in a bank without obtaining requisite Board approval to apply to the Board for subsequent approval of that action if certain conditions are present. Whether these conditions are met in this case is currently under study.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 9, 1972.

Board of Governors of the Federal Reserve System, May 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-8050 Filed 5-26-72;8:47 am]

TRADE DEVELOPMENT BANK HOLDINGS S. A.

Order Approving Formation of Bank Holding Company

Trade Development Bank Holdings S. A., city of Luxembourg, Luxembourg (Applicant), has applied for the Board's approval, under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through acquisition of up to 100 percent of the voting shares of Trade Development Bank, Geneva, Switzerland, which owns approximately 51 percent of the outstanding voting shares of Republic National Bank of New York, N.Y. (Bank). Consummation of the proposal would give applicant indirect control of Bank, which has deposits of approximately $189 million.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Trade Development Bank, Geneva, Switzerland, is a subsidiary of Safra Bank S. A., Panama City, Republic of Panama, because of the latter's ownership of 75 percent of the voting shares of the former. Consummation of the proposal would involve the insertion of an intermediate holding company between Safra Bank and Trade Development Bank and would have no effect on banking competition in the United States, nor would it adversely affect any competing bank.

Considerations relating to the financial and managerial conditions and prospects of Bank are satisfactory and consistent with approval. Applicant states that its creation is designed to provide corporate flexibility for such activities as acquisition of banks in the European Economic Community and, further, to provide a more effective vehicle than Trade Development Bank for raising capital funds when they are needed. Considerations relating to the financial and managerial condition of applicant and its prospects are satisfactory and consistent with approval. It appears that consummation of the proposal would have no effect on the convenience and needs of customers of Republic Bank in New York.

Trade Development Bank is engaged, directly or indirectly, in nonbanking activities in the United States that are not permissible under the Board's regulations adopted pursuant to section 4(c)(9) of the Act governing the activities of foreign bank holding companies. It appears that, in the absence of the transaction herein, such activities may be continued until at least December 31, 1980, by virtue of the provisions of section 4(a)(2) of the Act. However, upon consummation of the proposal herein, applicant will be required to divest itself of these activities within 2 years from the date applicant becomes a bank holding company, and therefore, the Board finds that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-8051 Filed 5-26-72;8:47 am]

WORCESTER BANCORP, INC.

Acquisition of Bank

Worcester Bancorp, Inc., Worcester, Mass., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Amherst, Amherst, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 12, 1972.

Board of Governors of the Federal Reserve System, May 23, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-8052 Filed 5-26-72;8:47 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 94; D-VA-611]

PLUM TREE ISLAND BOMBING RANGE, YORK COUNTY, VA.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Washington, D.C., Regional Office, dated April 24, 1972, the property comprising 3,275.60 acres of marshland and improvements, identified as the Plum Tree Island Bombing Range, York County, Va., has been transferred to the Department of the Interior.

2. The above-identified property was transferred to the Department of the Interior for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: May 22, 1972.

RICHARD W. AUSTIN,
Assistant Commissioner, Office of Real Property.

[FR Doc.72-8069 Filed 5-26-72;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer and Sheehan. Absent and not voting: Governors Robertson and Maisel.

OFFICE OF EMERGENCY PREPAREDNESS

ROBERT C. STEVENS

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Robert C. Stevens as Federal Coordinating Officer to perform the duties specified by section 201 of the Act for the disasters listed below to be effective May 1, 1972:

State	Disaster No.	Declaration date
California: Vice Ralph D. Burns appointed Feb. 19, 1970 (35 F.R. 3778, Feb. 26, 1970).	283	Feb. 16, 1970
Arizona: Vice Ralph D. Burns appointed Sept. 24, 1970 (35 F.R. 15262, Sept. 30, 1970).	294	Sept. 22, 1970
California: Vice Ralph D. Burns appointed Oct. 8, 1970 (35 F.R. 16121, Oct. 14, 1970).	295	Sept. 29, 1970
Vice Ralph D. Burns appointed Feb. 9, 1971 (36 F.R. 2944, Feb. 12, 1971).	299	Feb. 9, 1971
Trust Territory of the Pacific Islands: Vice Ralph D. Burns appointed May 25, 1971 (36 F.R. 9806, May 28, 1971).	307	May 18, 1971
California: Vice Ralph D. Burns appointed Jan. 13, 1972 (37 F.R. 751, Jan. 18, 1972).	316	Jan. 11, 1972

Dated: May 22, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-8043 Filed 5-26-72;8:48 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in Chapter 628 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore Chapter 628 is set forth in full as follows:

CHAPTER 628

EXAMINATION OF REGISTRANTS

Index

CHAPTER 628

EXAMINATION OF REGISTRANTS

SECTION 628.1. *Acceptability for military service.* Every registrant, before he is ordered to report for induction or ordered to perform alternate service in lieu of induction, shall have his acceptability for military service determined under standards of acceptability prescribed by the Secretary of Defense, except that a registrant who has volunteered for induction or a registrant who has failed or refused to report for and submit to an Armed Forces examination or any part of the examination shall have his acceptability determined at the time he reports for induction.

SEC. 628.2. *Obviously disqualifying condition or defect.* 1. A registrant whose acceptability for military service has not been determined may, under the provisions of this section, be determined to be unacceptable by the local board or the Armed Forces Examining and Entrance Station (AFEES) without undergoing an Armed Forces examination.

2. The Surgeon General of the Army's list of obviously disqualifying conditions or defects is presented as Attachment 628-1 to this chapter.

3. When a registrant has a very obviously disqualifying condition or defect, for example: the loss of an arm or leg, the local board shall enter the medical documentation or a statement concerning the condition or defect in the registrant's file and consider him for classification into Class 4-F without forwarding medical documentation or the registrant to AFEES for a determination of his acceptability.

4. Upon receipt of medical documentation concerning a registrant which clearly indicates he has a disqualifying condition or defect appearing on the Surgeon General's list, but which is not of the very obvious nature covered in 3, above, the local board shall:

a. Forward the documentation to the appropriate AFEES for evaluation, with a transmittal indicating "Surgeon General's list evaluation."

b. Enter on page 2 of the Registrant File Folder (SSS Form 101) or page 8 of the Classification Questionnaire (SSS Form 100) the date the registrant's medical documentation was forwarded to the AFEES.

5. If it is deemed advisable to forward a registrant's medical documentation to the medical advisor for his evaluation and verification that the condition or defect described is disqualifying and that it appears on the list, the local board shall:

a. Prepare a letter to the medical advisor requesting his evaluation and his verification that the condition or defect is on the list.

b. Forward all of the registrant's medical information and documentation to the medical advisor.

c. Enter on page 2 of the SSS Form 101 or page 8 of the SSS Form 100 the date the registrant's medical documentation was forwarded to the medical advisor for evaluation.

6. When a registrant is ordered for a medical interview for the purpose of verifying that he has an obviously disqualifying condition or defect appearing on the list, the local board shall:

a. Prepare a letter to the medical advisor requesting that he interview and examine the registrant to determine if he has an obviously disqualifying condition or defect appearing on the list.

b. Forward all of the registrant's medical information and documentation to the medical advisor.

c. Enter on page 2 of SSS Form 101 or page 8 of the SSS Form 100 the date the Notice to Registrant to Appear for Medical Interview (SSS Form 219) was mailed to the registrant and the date upon which he is ordered to appear.

7. Upon receipt of a request for transfer for medical interview, the registrant's own local board shall:

a. Inform the medical advisor of the request for transfer for medical interview and have him return the registrant's medical documentation.

b. Forward the registrant's medical documentation to the local board of transfer.

c. Enter on page 2 of SSS Form 101 or page 8 of the SSS Form 100 the date the documentation was forwarded and the designation of the local board of transfer.

8. When the local board of transfer receives the medical documentation from the registrant's own local board, it shall:

a. Arrange for the medical interview of the registrant.

b. Submit the documentation to the medical advisor.

c. Upon completion of the interview, return the documentation and the medical advisor's findings to the registrant's own local board.

9. When the medical advisor completes his evaluation of a registrant's medical documentation or medical interview, he will report his findings by letter and the local board shall:

a. Upon receipt of a letter indicating the registrant does have a disqualifying condition or defect appearing on the list,

forward the documentation to the appropriate AFEES for evalution and inform the registrant of the action taken.

b. Upon receipt of a letter which does not indicate the registrant has a disqualifying condition or defect appearing on the list, the local board shall inform the registrant and advise him that his acceptability for military service will be determined when he is examined at the AFEES. A sample letter for this purpose is Attachment 628–2 to this chapter.

10. AFEES will not evaluate medical documentation of a registrant's obviously disqualifying condition, or defect, unless the condition or defect appears on the Surgeon General's list. Upon completion of the evaluation, the AFEES will prepare a form letter response and return the submitted documents to the local board.

a. When the response states "Documentation provided appears disqualifying," the local board shall consider the registrant for classification into Class 4–F.

b. When the response indicates the condition or defect is not disqualifying, the documentation is insufficient, or the condition or defect is not on the Surgeon General's list, the local board shall inform the registrant that his acceptability for military service will be determined when he is examined at the AFEES. The sample letter, Attachment 628–2 to this chapter, shall also be used for this purpose.

SEC. 628.3. *Order to report for examination.* 1. A local board member, or the executive secretary or clerk if so authorized, shall select and order each registrant, who does not have a Statement of Acceptability (DD Form 62) showing him to be "Acceptable" or "Not Acceptable" in his selective service file, for Armed Forces examination in accordance with the instructions of the Director of Selective Service or the State Director of Selective Service. The date specified for reporting for such examination shall be at least 15 days after the date on which the Order to Report for Armed Forces Examination (SSS Form 223) is mailed. If the local board determines that a registrant is a member of a recognized church, religious sect, or religious organization which has historically observed certain religious holidays, and the registrant is scheduled for Armed Forces examination on one of those holidays, his examination shall be rescheduled if he so requests. If a registrant who has been ordered for an Armed Forces examination informs his local board that he has previously had an Armed Forces examination, the registrant will be instructed to contact his Recruiter and request that the original medical records be submitted to the AFEES.

a. Registrants shall be ordered for examination without regard to an outstanding request for personal appearance or appeal.

b. Registrants in 1–H or a deferred class shall be ordered for examination when it is determined that such classification will expire in the near future; however, prior to the issuance of SSS Form 223 for a registrant who is so classified, the local board should determine that he may shortly be reclassified into Class 1–A, 1–A–O, or 1–O. This should be accomplished by the local board in a statement in the Minutes of Local Board Meeting (SSS Form 112) indicating that such a registrant or category or group of registrants may be reached for induction or alternate service in the near future. An appropriate entry to be made in the SSS Form 112 is: "In accordance with Chapter 628 of the RPM it has been determined that the induction or order to report for alternate service of the following registrants or groups of registrants who are not now classified in an available class may shortly occur, and that their acceptability for service in the Armed Forces should be determined as soon as possible."

c. Medical specialists will be ordered for Armed Forces examination in accordance with section 628.5 of this chapter.

d. Registrants who are outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, Guam, the Virgin Islands, and the Canal Zone will be ordered for Armed Forces examination in accordance with the provisions of Chapter 655.

e. The Order to Report for Armed Forces Examination (SSS Form 223) shall be prepared and distributed in accordance with its procedural directive.

f. Completion of parts of medical examinations often require that a registrant be retained by AFEES for 3 days. The AFEES authority to retain registrants for 3 days for observation, tests, or any other related purpose is prescribed in Department of the Army Regulations. It eliminates the need for the AFEES to request local boards to return many registrants for reexamination at a later date and is designed to relieve registrants of the inconvenience of second examinations.

2. The local board shall also order for Armed Forces examination those registrants who request such an examination, if they have not attained age 26, and have not previously had an Armed Forces examination. Requests for examination must be submitted in writing to the registrant's local board. The local board shall establish a specific date for the examination. The date shall be within 60 days of the receipt of the request, and the registrant shall be given written notice thereof at least 15 days prior to the date of the examination. The Director of Selective Service may temporarily suspend the provisions of this paragraph for particular States or particular local boards if he determines that the number of such requests, if granted, would adversely affect the processing of men toward induction or would increase the workload of the respective Armed Forces Examining and Entrance Stations beyond their capacities. If any registrant upon examination at his request is found acceptable, he will not be selected for induction until his random sequence number is reached.

3. As soon as the local board has mailed orders to report for Armed Forces examination to all registrants who are to appear for their examination at a particular time and place, it shall:

a. Prepare in five copies a Physical Examination List (SSS Form 225), completing the entries in columns (1) and (2) for each such registrant.

b. For each registrant ordered, assemble and attach to the AFEES copy of the SSS Form 223 any information in the possession of the local board which should be considered in determining the acceptability of the registrant for military service, and any other information designated by the Director of Selective Service.

c. Forward the copies of the SSS Form 223, including attached medical information and any other records, with the copy of the SSS Forms 225 and 225–A which is sent to the AFEES within the time established by the State director and the AFEES concerned.

d. Whenever a registrant is transferred to another local board for examination, make a notation of the transfer in the "Remarks" column of the SSS Form 225 and the SSS Form 102, and transmit all of the records of such registrant pertaining to his Armed Forces examination to the local board to which the registrant is transferred for examination.

SEC. 628.4. *Armed Forces examination for Class 1–O Registrants.* 1. A registrant classified in Class 1–O shall be ordered to report for an Armed Forces examination in the same manner as a 1–A or 1–A–O registrant. If he fails to report for or submit to an Armed Forces examination, he shall be considered as available for selection and processed for alternate service in the same manner as if he had been found acceptable.

2. A Class 1–O registrant who has been found acceptable need not be reexamined before he is ordered to report for alternate service. However, if evidence of a change in his physical, mental, or moral status is submitted, and the local board has reason to believe he may no longer be acceptable, he shall be reexamined.

3. A Class 1–O registrant will be forwarded for examination in the same manner as any other registrant. Forms prepared by the local board for forwarding registrants for examination will not identify a registant as a 1–O. The 1–O registrant will appear on the Physical Examination List (SSS Form 225) with all other registrants being ordered.

SEC. 628.5. *Armed Forces examination for medical specialists.* 1. Local boards shall, as a continuing procedure, forward registrants for Armed Forces examination as soon as possible after they have received the degree of doctor of medicine, bachelor of medicine, doctor of dental surgery, doctor of dental medicine, doctor of vetcrinary medicine, doctor of veterinary surgery, doctor of optometry, doctor of osteopathy, or after they have been licensed to practice professional nursing, except those classified in Class 1–C, Class 1–D, Class 1–W, Class 2–D, Class 4–A, Class 4–B, Class 4–D, Class 4–G, or Class 4–W. The registrant's profession shall be specified in red on the top of the original and all

copies of the Order to Report for Armed Forces Examination (SSS Form 223).

a. A separate Physical Examination List (SSS Form 225) shall be prepared for medical specialists, listing each specialty separately on the form.

b. A copy of Statement of Personal History (DD Form 398) will not be forwarded to a physician, dentist, veterinarian, osteopath, optometrist, or nurse when he is ordered to report for an Armed Forces examination. At the time he reports to the Armed Forces Examining and Entrance Station for his Armed Forces examination he will complete a Preinduction Processing and Commissioning Data, Medical, Dental, and Allied Specialist Categories (DD Form 1548). This data together with other information obtained by the Armed Forces Examining and Entrance Station will constitute an application for a commission. The Statement of Acceptability (DD Form 62) will be forwarded to the local board through the State director.

c. With the exceptions as provided above, medical specialists will be processed and forwarded for Armed Forces examination in the same manner as a regular registrant.

2. To eliminate the necessity for two Armed Forces examinations for physicians who are applicants for the Armed Forces residency program (Berry Plan), the Armed Forces have issued the following instructions:

a. The local board will be informed when one of its registrants reports for an Armed Forces examination as such an applicant.

b. The appropriate State director will receive a Statement of Acceptability (DD Form 62) from the Armed Forces for physicians who have been examined as applicants for the residency program.

3. The Public Health Service will issue a PHS Form 1867 to a local board when one of its registrants has been accepted for the Public Health Service Residency (CORD) Program. Such registrant shall not be forwarded for an Armed Forces examination.

SEC. 628.6. *Postponement of Armed Forces examination.* The issuance of an Order to Report for Armed Forces Examination (SSS Form 223) may be delayed in case of death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other emergency beyond the registrant's control. The forwarding of a registrant for examination under an Order to Report for Armed Forces Examination (SSS Form 223) may be postponed by the local board to a date certain not later than 60 days from the date of such postponement in case of death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other emergency beyond the registrant's control. The Director or State Director of Selective Service may, for good cause, direct the local board to extend such postponement. Any postponement under this section shall be terminated whenever the cause therefor has ceased to exist or upon the request of the registrant.

SEC. 628.7. *Transfer of registrants for examination.* 1. Any registrant desiring to be transferred for examination shall immediately report to the local board having jurisdiction in the area in which he is then located, present his SSS Form 223 and apply for transfer by completing Part 1 of Transfer for Armed Forces Physical Examination or Induction (SSS Form 230).

a. Except as otherwise provided in paragraph 1.c of this section, the local board to which the registrant submits his application shall investigate the circumstances of the registrant's absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall enter its disapproval in part 2 of SSS Form 230, mail the original to the registrant, file one copy, and destroy the remaining copies. The registrant shall then be required to report in accordance with the SSS Form 223 which he received from his own local board.

(1) A registrant should be allowed to transfer only if the board of transfer is convinced that he has good reason to be in that board's area. No request for transfer for examination should be approved when it is evident that the registrant is attempting to transfer primarily to delay compliance with orders, or for purposes inconsistent with his obligation to perform military training and service.

(2) A registrant should not be denied a transfer solely because his own local board is nearby. A transfer to a nearby local board may be granted provided: (a) Local transportation facilities would make the transfer board easily accessible; (b) reporting to his own board would be unduly burdensome; and (c) the delay would not be excessive if he transfers.

(3) The local board of transfer should consider whether a registrant requesting transfer is likely to return to the area of his own local board before the date it can schedule him for examination. If the likelihood of his return to his own local board area is apparent, the transfer board should recommend that he seek a postponement rather than a transfer.

b. If the local board with which the registrant files his application finds that he has a good reason for his absence from his own local board area and that he is so far from his own local board area that it would be a hardship for him to return to his own local board area for his Armed Forces examination, it shall enter its approval in part 2 of SSS Form 230, mail the original and three copies by air mail (unless ordinary mail is as expeditious) to the registrant's own local board, mail a copy to the registrant, and file the remaining copy.

c. The local board with which the registrant submits his application shall enter its approval in part 2 of SSS Form 230 whenever the registrant is located in one and the registrant's own local board is located in another of the following: The continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone. The local board shall mail the original and three copies of SSS Form 230 by air mail to the registrant's own local board, mail a copy to the registrant, and file the remaining copy.

d. Immediately upon receiving the approved SSS Form 230, the registrant's own local board shall complete part 3 on the original and three copies received. It shall then mail the original and one copy to the local board to which the registrant is being transferred, mail one copy to its State Director of Selective Service, and file the remaining copy in the SSS Form 101. It shall also mail to the local board to which the registrant is being transferred for Armed Forces examination any information in the possession of the local board which should be considered by the AFEES in determining the acceptability of the registrant for military service, and any other records designated by the Director of Selective Service.

e. When the local board to which the registrant is transferred for Armed Forces examination receives the papers from the registrant's own local board as provided in paragraph 1.d of this section, it shall prepare a new SSS Form 223, in duplicate, mail the original to the registrant, file one copy, and add the name of the registrant to its SSS Form 225 indicating in the "Remarks" column thereof that the registrant has been transferred from another local board.

f. When the transferred registrant's examination has been completed or if he fails to report for examination, the local board to which the registrant was transferred for examination shall complete part IV on the original and one copy of SSS Form 230, forward original together with all the papers pertaining to the examination of the registrant to the State Director of Selective Service for the State in which the local board of jurisdiction is located, retain the completed copy, and destroy the copy it retained when the application for transfer was approved.

g. The State Director of Selective Service for the State in which the local board of jurisdiction is located shall, upon receipt of the completed SSS Form 230, record on his copy of that form the disposition of the transferred registrant and forward the original of the form together with all other papers received from the local board of transfer to the local board of jurisdiction.

2. The Director of Selective Service may direct that a particular registrant or a registrant who comes within a described group of registrants be transferred for Armed Forces examination to such local board or local boards as he shall designate. Whenever the Director of Selective Service has directed that a registrant shall be transferred for examination, the registrant's own local board shall prepare SSS Form 230, in quadruplicate, by inserting in part 1 the date, the name, the selective service number, and present address of the registrant, the name and address of the local board to which the registrant is transferred,

and the words "Transferred for Armed Forces Examination by the direction of the Director of Selective Service" and by completing part 3 of the form. The local board shall file one copy of SSS Form 230 in the SSS Form 101, mail one copy to its State Director of Selective Service, and mail the original and one copy together with any information in the possession of the local board which should be considered by AFEES in determining the acceptability of the registrant for military service and any other records designated by the Director of Selective Service to the local board to which the registrant is transferred for examination. The local board to which the registrant is transferred shall prepare and mail to the registrant an SSS Form 223 and shall take all other actions provided for in paragraphs 1.e and 1.f of this section which are applicable. The State Director of Selective Service for the State in which the registrant's own local board is located shall take the actions provided for in paragraph 1.g of this section.

3. A registrant, who is requesting an Armed Forces examination and who desires to be forwarded for examination from a board other than his own, shall submit a written request to his own board stating where he wishes to schedule his examination and his reasons. The local board shall approve or disapprove the request under the standards of paragraph 1.a of this section and shall take the following action within 15 days of receipt of the request:

a. If the registrant's own local board approves, it shall complete the heading and part III of SSS Form 230, and follow the relevant procedures outlined in paragraph 2 of this section. The board of transfer shall schedule such examination within 60 days of receipt of SSS Form 230 from the board of record and shall notify the registrant at least 15 days in advance of the examination. Upon receipt of the results of the examination, the board of transfer shall complete part IV of the form and follow the relevant provisions of paragraph 1.f of this section.

b. If the registrant's own local board disapproves, it shall order such registrant for examination at an examining station in its own vicinity within 60 days of receiving his request. It shall comply with the 15 days' notice requirements specified elsewhere in this chapter.

SEC. 628.8. *Duty of registrant to report for and submit to Armed Forces examination.* 1. When the local board mails to a registrant an Order to Report for Armed Forces Examination (SSS Form 223), it shall be the duty of the registrant to report for such examination at the time and place fixed in such order unless, after the date the SSS Form 223 is mailed and prior to the time fixed for the registrant to report for his Armed Forces examination, the local board cancels such SSS Form 223 or postpones that time when the registrant was to report and advises the registrant in writing of such cancellation or postponement.

2. If the time when the registrant is ordered to report for Armed Forces examination is postponed, it shall be the duty of the registrant to report for Armed Forces examination upon the termination of the postponement and he shall report for Armed Forces examination at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for Armed Forces examination, when it is his duty to do so, it shall be his continuing duty from day to day to report for Armed Forces examination to his local board and to each local board whose area he enters or in whose area he remains.

3. Upon reporting for Armed Forces examination, it shall be the duty of the registrant to:

a. Follow the instructions of a local board member or compensated employee as to the manner in which he will be transported to the location where his Armed Forces examination will take place;

b. Obey the instructions of the leader or assistant leaders appointed for the group being forwarded for Armed Forces examination;

c. Appear for and submit to such examination as the commanding officer of the examining station shall direct;

d. Follow the instructions of a local board member or compensated employee as to the manner in which he will be transported on his return trip from the place where his Armed Forces examination takes place.

4. If, for any reason, the registrant's Armed Forces examination cannot be completed, he shall be returned for Armed Forces examination at a later date.

SEC. 628.9. *Forwarding registrants for examination.* When the registrants who are to be forwarded for examination have assembled, the local board shall proceed as follows:

1. The roll shall be called, using the previously prepared SSS Form 225, and any absence shall be recorded in the "Remarks" column.

2. As each registrant's name is called he shall be observed by a local board member or compensated employee. If the member or employee knows or sees a registrant whom he believes may be disqualified for service in the Armed Forces because of a medical condition or physical defect which appears on the Surgeon General's list, the registrant shall not be forwarded for examination on that day and shall have his SSS Form 223 canceled and be processed under the provisions of section 628.2. (Notation made on the SSS Form 225.)

3. A leader and assistant leaders shall be appointed and furnished an Appointment of Leader or Assistant Leader (SSS Form 340).

4. The leader shall be given the original and one copy of the SSS Form 225, in a sealed envelope. The leader shall be instructed to deliver the sealed envelope to the commanding officer of the AFEES or his representative.

5. When it is necessary, travel tickets or transportation requests, and meal and lodging requests for the return trip, shall be issued. The leader shall be instructed to return any unused meal and lodging requests to the local board.

6. The local board shall mail one copy of the SSS Form 225 to the State Director of Selective Service that same day and shall file one copy.

SEC. 628.10. *Action taken when a registrant fails to report for or refuses to submit to physical examination or mental test.* 1. Action by the Armed Forces Examining and Entrance Station.—When a registrant refuses to submit to a physical examination or mental test, or any part thereof, the Armed Forces Examining and Entrance Station commanders have been instructed not to reject such a registrant as not acceptable for service in the Armed Forces but to return him to the local board and to transmit all of his records to the local board with a letter stating in detail the refusal of the registrant to submit to the physical examination or mental test, or any part thereof.

2. Whenever a local board has convincing evidence that one of its own registrants, who was scheduled for an Armed Forces examination at his own request, failed to report for or submit to such examination or any part thereof, the board shall:

a. Cancel the registrant's outstanding Order to Report for Armed Forces Examination (SSS Form 223).

b. Issue a new (SSS Form 223) only after the registrant would have normally been reached for Armed Forces examination by reason of his random sequence number and priority group.

3. Whenever a local board has convincing evidence that one of its own registrants failed to report for or submit to his regularly scheduled Armed Forces examination or any part thereof, the local board shall:

a. Retain him in Class 1–A, 1–A–O, or 1–O, if he is in such class.

b. Not reclassify him until he would otherwise have been reclassified, if he is in a class other than 1–A, 1–A–O or 1–O.

c. Regardless of his classification, consider the registrant for all purposes as if he has been physically and mentally examined and found acceptable for service after being given an Armed Forces examination.

d. Mail the registrant a letter informing him that his medical records have been returned to the local board with a statement from the AFEES Commander that the registrant either failed to report for or submit to an Armed Forces examination. The letter should further advise that when his random sequence number is reached for induction he will be ordered; however, he will not be inducted until he is examined and found acceptable at time of induction.

4. Whenever the local board receives from the Armed Forces Examining and Entrance Station the records of a transferred registrant with a letter of transmittal stating in detail the refusal of the registrant to submit to the physical examination or mental test, or any part thereof, it shall forward all the records including the letter of transmittal to the State director having jurisdiction over the registrant's local board. The State director shall forward the records and letter of transmittal to the local

board of jurisdiction, which shall proceed in the manner provided in paragraph 3 of this section.

SEC. 628.11. *Action taken after examination.* 1. The commanding officer of AFEES will forward to the local board the following documents concerning registrants forwarded for Armed Forces examination:

a. For all registrants whether found acceptable or unacceptable for service in the Armed Forces, the original SSS Form 225 indicating in the "Disposition" column the disposition of each registrant forwarded for examination, and the original and duplicate copy of the Statement of Acceptability (DD Form 62).

b. For each registrant found acceptable for service in the Armed Forces, a copy of the Report of Medical Examination (Standard Form 88) and Report of Medical History (Standard Form 93).

c. For each registrant found unacceptable for service in the Armed Forces, the original of Standard Form 88 and Standard Form 93.

d. All other records forwarded by the local board.

2. The commanding officer of AFEES will retain one copy of the SSS Form 225 and send one copy to the State Director of Selective Service.

a. For each registrant found not qualified for service in the Armed Forces, the commanding officer of AFEES will retain one copy of Standard Form 88 and Standard Form 93.

b. For each registrant found qualified for service in the Armed Forces, the commanding officer of the examining station will retain the original of Standard Form 88 and Standard Form 93.

3. Except as otherwise provided in section 628.5, the local board, upon receipt of the documents described in paragraph 1 of this section, shall take the following action:

a. File the original SSS Form 225.

b. Mail the registrant's copy of DD Form 62, together with any attachments, to the registrant, record the date of mailing on page 2 of SSS Form 101, or for older files, on page 8 of the registrant's Classification Questionnaire (SSS Form 100), and file the local board's copy of the DD Form 62 in the SSS Form 101.

c. For each registrant found acceptable for service in the Armed Forces, file the copy of Standard Form 88 and Standard Form 93 in the SSS Form 101. These forms shall be retained in the registrant's file folder until such time as he may be ordered for induction.

d. For each registrant found unacceptable for service in the Armed Forces, file the original of Standard Form 88 and Standard Form 93 in the SSS Form 101.

e. Enter on the SSS Form 101 the XYZ symbols provided for in section 628.17.

f. Enter the results of the Armed Forces Examination on the SSS Form 102.

SEC. 628.12. *Mental standards for induction.* 1. The Secretary of Defense has established the qualifying mental standards for induction.

2. Test scores on the Armed Forces Qualification Test (AFQT) are divided into categories as follows:

Mental category	*AFQT score*
1	93–100
2	65–92
3	31–64
4	10–30
5	0–9

3. When a registrant who has previously been found acceptable for military service is reached for induction or volunteers for induction, the local board shall review his records to determine if he qualifies for induction under the revised mental standards set forth below:

QUALIFYING MENTAL STANDARDS FOR INDUCTION

Armed Forces qualification test score (A)	Educational level	Required scores on supplementary aptitude tests (B)
31–100	All	None required.
21–30	do	Pass 1 aptitude area, score of 90.
16–20	High school graduate.	Pass 2 aptitude areas, score of 90.
	Non-high school graduate.	Pass 2 aptitude areas, score of 90 and score of 80 on GT area.
10–15	All	Pass 2 aptitude areas, score of 90 and score of 80 on GT area.

a. Scores on the Armed Forces Qualification Test (AFQT) are expressed as percentiles. A score of 50 on the AFQT is average. Men who score between the 10th and 30th percentile are Group IV's. Those who score 0–9 (Group V) are unacceptable for induction unless administratively accepted by the AFEES.

b. There are 7 Aptitude Area Scores derived from the Army Qualification Battery (AQB) administered to Mental Group IV's at the Armed Forces Examining and Entrance Station. The General Technical Area (GT) is a composite of the tests on verbal and arithmetic ability. A score of 100 is average for Aptitude Area Scores.

4. When the local board finds that a registrant does not meet the qualifying mental standards for induction, the local board shall postpone the issuance of the SSS Form 252, or Notice of Rescheduled Induction Reporting Date and forward his examination papers to the AFEES for reevaluation and issuance of a new DD Form 62 when required.

5. Upon receipt of the AFEES determination of a registrant's acceptability for military service, following such reevaluation, the local board shall take appropriate action.

Sec. 628.13. *"Papers Only" evaluation by the AFEES.* 1. If a registrant submits new information concerning his physical condition after he has had his Armed Forces examination, and prior to being issued an induction order, the local board will submit the information, together with the registrant's medical records, to the AFEES for review as a "papers only" case. Should the local board be unable to determine whether the information submitted is to be processed as a "papers only" case, the information and the medical records shall be forwarded to the State director for a determination as to whether to process as a "papers only" case or as an RMR.

2. The AFEES will evaluate the complete medical records, including the information not previously considered, and return the records to the local board.

a. Should the AFEES determine after a "papers only" evaluation that there has been a change in the registrant's status, a new Statement of Acceptability (DD Form 62) will be forwarded to the local board, and the local board will:

(1) Forward to the registrant his copy of the DD Form 62.

(2) File the other copy of DD Form 62 in the Registrant File Folder.

(3) Consider the registrant for reclassification where appropriate.

b. Should the AFEES determine that there is no change in the registrant's acceptability, no DD Form 62 will be issued, but the registrant will be notified in writing by the local board of the results of the evaluation.

SEC. 628.14. *Registrant medical reevaluation and review system (RMR).* 1. The Selective Service System and the Department of the Army have agreed to provide registrants with the opportunity of obtaining a review of the determination of their acceptability or nonacceptability for military service. As it is the responsibility of Selective Service to select and deliver registrants for physical examination, it has been decided that all questions regarding a registrant's physical acceptability will be initiated by Selective Service and processed through the Selective Service channels of communication. Registrant medical reevaluation and review (RMR) will be accomplished by the Armed Forces Examining and Entrance Station (AFEES); and evaluation, review and final determination of medical acceptability or nonacceptability, by Headquarters, USAREC. By this procedure, registrants will be assured of a final review by the highest examining authority. Because of operational considerations, the opportunity for this final review procedure shall be offered one time only except in cases when it is determined by the Director or a State Director of Selective Service that a substantive change in physical condition has occurred.

2. Only the registrant's written request for an RMR will be processed. Other persons interested in a registrant's acceptability for military service will not have their requests for a registrant's reevaluation processed by the local board. The following procedures will be used when a registrant's written request for medical reevaluation of his determination of acceptability has been received by his local board.

a. The local board shall consider the registrant's request for an RMR and all other information, including any new medical documentation, and then forward the request, the information, and the registrant's medical records to the State director.

b. State directors shall be responsible for review of the request, medical records, and any additional information submitted. It is desirable that such requests be supported by medical evidence, such as doctor's statements, conformation of symptoms or treatment, hospitalization records, test reports and other

documentation, in order to permit proper medical reevaluation and review by the Armed Forces medical authorities. Although medical documentation is desirable, the State director may initiate a request for review without such evidence. The State director, unless he finds that the registrant has already been given an RMR, or that the records should be processed as a "papers only" case, or that for other good reasons the case should not be processed, shall initiate a request for Registrant Medical Reevaluation and Review and forward his request, the registrant's request and all medical records and information to the AFEES normally used by the registrant's local board. In those instances where the State director administratively determines that neither a final reevaluation or "papers only" evaluation is appropriate, a statement shall be attached to the registrant's medical records indicating the basis for this determination.

3. In order to avoid duplicate processing of separate inquiries, the State headquarters and National Headquarters of Selective Service will maintain a file of inquiries or requests regarding a registrant's physical acceptability. Congressional inquiries received by National Headquarters will be forwarded to the State director concerned for a report. When the report is received, National Headquarters will reply to the congressman concerned. Other inquiries or requests referred to local boards or State headquarters, or directed to them, will be replied to by the State headquarters or local board, as appropriate.

4. The processing of the RMR by the AFEES and USAREC will be accomplished in the following manner:

a. The AFEES will accomplish a review of medical records and any supplementary information submitted. In cases where the AFEES Commander or the Surgeon, USAREC, determines that a registrant shall be returned for reexamination or for consultation, the State director will coordinate with the appropriate AFEES and arrange to deliver the registrant with the next scheduled delivery for the local board and advise the local board to schedule the registrant accordingly. A registrant will not be delivered specially for required reexamination or consultation, unless such consultation cannot be arranged on the normal delivery date. If the registrant is away from his local board area, he may apply for transfer for necessary consultation and reexamination under the same criteria applicable to transfer for Armed Forces examination. The State director should coordinate in each case with the AFEES normally used by the registrant's local board and to which his medical records were sent initially for reevaluation, to insure that all records and the recommendation of the AFEES Commander are returned to the local board. The AFEES to which the registrant is delivered for required reexamination or consultation must receive all medical records and other documents and the State director's request for an RMR, in order to accomplish the reexamination or consultation, and submit for final review to Headquarters, USAREC. Upon completion of the review of medical records or accomplishment of reexamination or consultation by the AFEES, the request, together with the registrant's medical records, all information and the tentative determination by an AFEES will be forwarded to Headquarters, USAREC, by the AFEES.

b. Headquarters, USAREC, will review the request, all medical records and information, make the final determination of a registrant's medical acceptability and return a statement of its findings and the medical records to the AFEES.

c. The AFEES will in turn forward this statement and the medical records to the registrant's local board through the appropriate State director. If a change in his medical acceptability has been made, the AFEES will issue a new Statement of Acceptability (DD Form 62).

5. Upon receipt of this statement or DD Form 62, as applicable, and medical records, the registrant's local board will accomplish action as follows:

a. A letter will be sent to the registrant indicating that the Surgeon, U.S. Army Recruiting Command had determined the registrant was either "fully acceptable" or "not acceptable." Sample letter for this purpose is Attachment 628–4 to this chapter.

b. If the registrant's status changed as a result of the review, he will be mailed his copy of the new Statement of Acceptability (DD Form 62).

c. If now found "not acceptable," after previous determination of "fully acceptable," his classification will be reopened and he will be considered for classification into Class 4–F by his local board, unless the DD Form 62 indicates that reexamination is believed justified. In that case, the registrant shall not be classified into Class 4–F until he is reexamined and again found unacceptable, or a determination is made, upon the advice of the State director, not to reexamine the registrant.

d. Medical records, supplementary information, and the findings of Headquarters, USAREC, will be placed in the registrant's file folder. If the registrant has been found "fully acceptable," the above documents will be forwarded to the appropriate AFEES at the time of induction.

6. When an RMR is in process and a registrant's RSN is reached for induction, the registrant will be selected and issued an order to report for induction. In that case, AFEES should be notified to insure rapid administrative processing of the RMR prior to the scheduled induction date.

7. Request for medical reevaluation after issuance of an Order to Report for Induction (SSS Form 252):

a. When the local board receives an inquiry concerning his examinations, or a request for an RMR from a registrant who has been issued an Order to Report for Induction (SSS Form 252), the local board shall notify him to bring any new documentation with him to the induction station at the time that he reports for induction.

b. At the time of induction, the AFEES will conduct such reevaluation and review as is appropriate and authorized under applicable Army Regulations including soliciting advice and counsel of Headquarters, USAREC, if indicated, by the most expeditious means.

c. The registrant's induction will proceed as scheduled, including tests, consultation, or special examination as may be required. If these procedures require additional time, the registrant will be held over pending completion of his processing.

d. Inductions will not be postponed for accomplishment of an RMR except in extreme circumstances, as determined by the Director or the appropriate State director.

e. Registrants who have reported for induction and for whom additional tests, consultation, or evaluation by Headquarters, USAREC, is required shall be indicated as Acceptability Undetermined (A.U.) on the Delivery List (SSS Form 261).

8. Correspondence received may criticize the AFEES administration, examination procedures, or examining facilities. If the inquiry is from the registrant, and expresses or implies a request for an RMR, the State director will process the request in accordance with paragraph 1 above. Inquiries received at National Headquarters which are from the registrant and express or imply a request for an RMR will be forwarded to the State director concerned for his review and initiation of request to the AFEES for an RMR. Complaints regarding AFEES administration, examination procedures, or examining facilities may fall in the following categories:

a. Inquiries concerning administration may state that an administrative error had occurred in that items of medical history, examination records, or medical documentation submitted by the registrant were not properly reviewed, evaluated, annotated or considered at the time of examination. Other allegations may include statements that all required items of the examination were not correctly entered on the appropriate forms or that AFEES personnel treated individual registrants improperly during the examination.

b. Other inquiries concerning examination procedures may include criticism of the manner in which specific aspects of the examination or the consultation were accomplished and might point out hasty or incomplete handling of portions of the examination or specific omissions of segments of the examination, testing procedures, laboratory studies, and/or X-ray inspection.

c. Inquiries concerning examining facilities may cite nonfunctioning of examination equipment or substandard plant facilities rendering medical examination or resultant determination invalid.

d. Inquiries that fall in full or in part in the above categories should be forwarded by local boards to the State director. The State director will in turn forward such inquiries to the AFEES concerned for further action. Inquiries having to do solely with statements of improper administration, examination procedures, or examination facilities received by National Headquarters will be forwarded to Headquarters, USAREC.

SEC. 628.15. *Reexamination of registrants.* 1. A registrant who has been found unacceptable by AFEES at preinduction examination with "Reexamination Believed Justified" (RBJ) indicated on the Statement of Acceptability (DD Form 62), shall not be reclassified in Class 4–F but shall be retained in his present classification as long as he continues to qualify for that class. For example, a registrant in Class 1–A shall remain in 1–A unless he qualifies for a lower class other than 4–F, while a student in Class 2–S at the time of the examination shall remain in 2–S until he no longer qualifies. A letter shall be mailed to each registrant found unacceptable at preinduction examination with "Reexamination Believed Justified" (RBJ) as soon as possible following receipt of the Statement of Acceptability (DD Form 62). A sample letter for this purpose is Attachment 628–3 to this chapter.

2. A registrant who has been found unacceptable by the AFEES at his induction examination with "Reexamination Believed Justified" (RBJ) indicated on the Statement of Acceptability (DD Form 62) shall not be classified into Class 4–F until he is reexamined and again found unacceptable. When a local board receives a registrant's DD Form 62 with RBJ indicated, following his induction examination, it shall:

a. Cancel the registrant's Order to Report for Induction (SSS Form 252).

b. Retain the registrant in Class 1–A or 1–A–O as appropriate.

c. Mail the registrant a letter explaining his status. A sample letter for this purpose is Attachment 628–3 to this chapter.

3. When a local board determines that a registrant's RBJ period has expired or will expire within 15 days, it shall:

a. Issue to the registrant an Order to Report for Armed Forces Examination (SSS Form 223) with a reporting date no earlier than 15 days after the date the order will be mailed, or

b. Upon the advice of the State director, not order the registrant for reexamination but consider him for Class 4–F.

4. A registrant may not be returned to the AFEES for reexamination more than one time except in cases when an additional reexamination or consultation is required to evaluate a new disqualifying defect or new information concerning his previously disqualifying defect.

5. If upon reexamination based upon the AFEES recommendation of "Reexamination Believed Justified" (RBJ), the registrant is again found unacceptable, the local board shall consider classifying him in Class 4–F following receipt of the DD Form 62.

SEC. 628.16 *The Medically Remedial Program (MREP).* 1. Whenever a registrant has been determined to be unacceptable at the time of his Armed Forces examination solely due to one of the medical conditions acceptable under the Medically Remedial Program, the AFEES Commander will ascertain whether the registrant desires to volunteer for induction. This program permits a registrant with a remediable defect to volunteer for induction and have his defect corrected while serving in the Armed Forces.

2. If the registrant desires to volunteer for induction, a notation will be made on the SSS Form 225, his medical records will be retained and the AFEES will submit a waiver request to the Surgeon General of the Army for final determination of acceptability.

a. When the registrant's local board receives from the AFEES his DD Form 62 with a statement thereon "Qual for MREP," it shall inform the registrant and inquire as to whether he desires to complete an Application for Voluntary Induction (SSS Form 254).

(1) If the registrant completes the SSS Form 254, the local board shall order the registrant to report for induction on the next available induction call.

(2) If the registrant does not complete the SSS Form 254, the local board shall consider him for Class 4–F and request the return of his medical records from the AFEES.

b. When the registrant's local board receives from the AFEES his medical records and a DD Form 62 indicating the request for a MREP waiver has been denied, it shall inform the registrant of the denial of his waiver request, forward to him his copy of his DD Form 62, and consider him for Class 4–F.

3. If the registrant does not desire to volunteer for induction under the MREP, the AFEES will return his medical records to the local board with his DD Form 62 indicating the registrant was found not acceptable.

SEC. 628.17 *Symbols describing physical, mental, and moral qualifications of registrants.* 1. Purpose: The purpose of this section is to provide for the use of a system of symbols to describe and record the physical, mental, and moral qualifications of registrants, without regard to their current classification, to contribute to the national interest in the Armed Forces of the United States or in a civilian capacity.

2. Composition of XYZ symbol:

a. A symbol is prescribed consisting of three elements describing each registrant's physical (medical), mental, and moral qualifications in that sequence and using the letters "X," "Y," and "Z" to describe degrees of qualification in each element.

b. Each element of the symbol is completed by use of the letter "X," "Y," or "Z," whichever is appropriate in the case of the registrant being evaluated. When used as an element of the symbol, the significance of each letter with respect to that element is as follows:

(1) "X" indicates that the registrant is currently qualified for service in the Armed Forces.

(2) "Y" indicates that the registrant may be acceptable for service in the Armed Forces in time of war or national emergency declared by the Congress.

(3) "Z" indicates that the registrant is unacceptable for any service in the Armed Forces, but may be acceptable for service in a civilian capacity.

3. Interpretation of symbol:

a. Use of the letter "X" in all three elements of the symbol indicates that the registrant is currently acceptable for service in the Armed Forces. At present only a registrant with the symbol "X–X–X" is so qualified.

b. Use of the letter "Y" in one or more elements of the symbol with or without an "X" in any of the other elements, but without a "Z" in any element, indicates that the registrant may be acceptable for service in the Armed Forces in time of war or national emergency declared by the Congress. For example, "Y–X–X."

c. A symbol with the letter "Z" appearing in one or more of the three elements indicates that the registrant is unacceptable for any service in the Armed Forces, but may be acceptable for service in a civilian capacity. For example, "X–X–Z."

4. Determination of symbol: Armed Forces examining stations are entering suggested symbols on the upper right-hand of the Report of Medical Examination (SF–88).

a. Physical (medical) element:

(1) If all entries on SF 88 specify that the registrant is physical profile 1 or 2, the first element will be "X."

(2) If any entry on the SF 88 specifies that the registrant is physical profile 3, the first element will be "Y."

(3) If any entry on the SF 88 specifies that the registrant is physical profile 4, the first element will be "Z."

b. Mental element:

(1) If the registrant is AFQT Mental Group I, II, or III, or "Administratively Accepted," the second element will be "X."

(2) If the registrant is AFQT Mental Group IV, the second element will be "X" unless he has been determined "Nonqualifying" because of "Trainability Limited" or "Failed AQB and Medical." In the latter cases the second element will be "Y."

(3) If the registrant is AFQT Mental Group V, the second element will be "Z."

c. Moral element:

(1) If the registrant has no court adjudication or conviction, or he has had a court adjudication or conviction but a waiver is granted, the third element will be "X."

(2) If the registrant has had a court adjudication or conviction and a waiver has not been granted or processed, the third element will be "Y" unless the registrant has committed serious offenses and has a history of habitually delinquent behavior.

(3) If the registrant has had a court adjudication or conviction and a waiver has not been granted or processed, and the registrant has committed serious offenses or has a history of habitually delinquent behavior which would disqualify him for service in the Armed Forces in

any emergency or if he is administratively disqualified, the third element will be "Z."

5. Determination of symbol when registrant has not been examined:

a. The local board shall determine a symbol for a registrant who has been found disqualified without an Armed Forces examination.

b. Any doubt which the local board may have as to whether a registrant qualifies for a "Y" or a "Z" in any element of the symbol shall always be resolved in favor of the "Y."

c. A registrant's physical condition includes any mental disease or disorder he may be suffering. The second element of the symbol relates solely to the registrant's mental capacity and does not include any mental disease or abnormality.

6. Recording of symbol:

a. The symbol shall be recorded on the Registrant File Folder (SSS Form 101).

b. The symbol shall not, under any circumstances, be added to a registrant's classification or be placed on any document of notification such as the Notice of Classification (SSS Form 110). The determination of the symbol is not subject to appeal.

7. Changing of symbol: Whenever a local board receives a new determination from an AFEES which warrants a change in any element of a registrant's symbol, the entry on the file folder shall be revised accordingly.

8. Profile system (PULHES): The major aspects of a registrant's physical fitness are identified by the letters PULHES: The PULHES chart is located on the last page of the SF–88. Each section of the chart is rated numerically (1 through 4) by the AFEES. (See example below.)

P	U	L	H	E	S
1	1	1	1	1	1

The Army Regulations on physical standards and physical profiling (AR 40–501), define the separate factors comprising PULHES as follows:

P—Physical capacity or stamina: Organic defects, age, build, strength, stamina, height, weight, agility, energy, muscular coordination, and similar factors.

U—Upper extremities: Functional use of hands, arms, shoulder girdle, and spine (cervical, thoracic, and lumbar) to include strength, range of motion, and general efficiency.

L—Lower extremities: Functional use, strength, range of motion, and general efficiency of feet, legs, pelvic girdle, and lower back (sacral spine).

H—Hearing (including ear defects): The auditory acuity is to be considered as well as organic defects.

E—Eyes: Visual acuity, as well as organic ocular defects.

S—Neuropsychiatric: Emotional stability, personality, as well as psychiatric history and findings.

The numerical rating is defined as follows:

1—High level of medical fitness.

2—Individual meets procurement standards, but may have some limitation on initial MOS classification and assignment.

3—Individual has a medical condition or physical defect which requires certain restrictions in assignment. Such individuals are not acceptable in time of peace, but may be acceptable in time of partial or total mobilization.

4—Individual has a medical condition or physical defect which is below the level of medical fitness for retention in the military service.

The PULHES Profiling System is not utilized by the local board in determining a registrant's acceptability or classification. Instead, it is utilized by AFEES in determining the proper "X" "Y" "Z" symbol, to be assigned to a registrant.

SEC. 628.18 *Registrants separated from the Armed Forces because of physical, mental or moral disqualification.* Whenever a local board receives a Report of Separation From the Armed Forces of the United States (DD Form 214) or similar form evidencing that one of its registrants has been separated from the Armed Forces because of physical, mental, or moral disqualification, such registrant shall be placed in Class 4–F, unless he is qualified for Class 4–A or a lower class.

THE SURGEON GENERAL OF THE ARMY'S LIST OF CONDITIONS THAT ARE OBVIOUSLY MEDICALLY DISQUALIFYING

1. Acromegaly, or gigantism, enlargement of hands, feet, and face due to disease of pituitary gland.

2. Addiction to drugs, confirmed by medical certification, or civil authority or court record, to such a degree as to interfere with following a useful vocation in civil life.

3. Alcoholism, chronic, confirmed by medical certification, or civil authority or court record, of such a degree as to interfere with following a useful vocation in civil life.

4. Amputation of arm or leg.

5. Aphonia, loss of voice.

6. Blindness, complete, both eyes.

7. Brain, hernia of.

8. Deafness, complete, both ears.

9. Deformities of marked degree which seriously interfere with normal body function and weight bearing power.

10. Deformities, severe, of the mouth, throat, or nose which interfere with mastication of ordinary food or speech.

11. Diabetes.

12. Elephantiasis, severe, swelling of extremities.

13. Empyema or unhealed sinuses of the chest wall following surgery for empyema.

14. Epispadias or hypospadias. (Congenital deformity of penis), when urine cannot be voided in such a manner as to avoid soiling of clothing or surroundings or when accompanied by evidence of chronic infection of the genito-urinary tract.

15. Eye—loss of.

16. Gigantism.

17. Harelip, severe, causing speech defects.

18. Hermaphroditism.

19. Hodgkins disease.

20. Idiocy.

21. Imbecility.

22. Kidney, congenital, or surgical absence of one.

23. Leprosy.

24. Mental derangement, with commitment or authentic medical history of mental derangement without commitment.

25. Multiple sclerosis.

26. Muscular dystrophy.

27. Mutism, unable to speak, regardless of cause.

28. Neck, tumor of the thyroid, including enlarged lymph nodes, if the enlargement is of such a degree as to interfere with wearing of ordinary clothing.

29. Neurosyphilis of any form.

30. Organic valvular diseases of the heart, including those improved by surgery.

31. Paraplegia.

32. Paroxysmal convulsive disorders, all forms of psychomotor or temporal lobe epilepsy except for seizures associated with toxic states or fever during childhood up to the age of 12.

33. Penis, amputation of, if the resulting stump is insufficient to permit normal function of micturition.

34. Pneumonectomy, removal of an entire lung.

35. Pulmonary tuberculosis, active.

36. Psoriasis, if severe or extensive.

37. Scars, extensive, deep or adherent that interfere with muscular movement or that show a tendency to break down and ulcerate.

38. Skull, deformities of, in the nature of depressions or protrusions associated with evidence of disease of the brain, spinal cord, or peripheral nerves.

39. Stammering or stuttering, severe.

40. Tracheostomy.

41. Tumor, benign of breast or chest wall, of such a size and location as to interfere with wearing ordinary clothing.

42. Tumor, malignant, regardless of size or location.

43. Tumor, benign of trachea, bronchi, lungs, pleura, or mediastinum.

44. Ulcer of the stomach or duodenum, confirmed by X-ray examination.

SAMPLE LETTER REGARDING OBVIOUSLY DISQUALIFYING CONDITION OR DEFECT

Dear _____,

Your claim of an obviously disqualifying condition or defect has been considered. You were not found to be disqualified and the reason for this decision is checked below.

☐ Documentation indicates the condition or defect is nondisqualifying.

☐ Documentation is of a condition or defect not on the Surgeon General's list of obviously disqualifying conditions or defects.

☐ Documentation was insufficient.

Should you later be within a group of registrants who will be processed for induction, you will be ordered to report for a preinduction Armed Forces examination. Your acceptability or military service will be determined at that time.

If you have a question concerning your status, please contact your local board.

_____
(Executive Secretary)

SAMPLE LETTER REGARDING RBJ

Dear _____,

You have been found unacceptable for induction into the Armed Forces at your Armed Forces examination performed on _____ (date). However it has been recommended that you be reexamined in _____ months, as your physical condition may have improved sufficiently by that time to qualify you for service.

You will be retained in your present classification until a final determination is made regarding your acceptability for induction, or until it is determined you will not be reexamined.

If you have a question concerning your status please contact your local board.

_____
(Executive Secretary)

SAMPLE LETTER REGARDING NOTIFICATION FOLLOWING REGISTRANT MEDICAL REEVALUATION AND REVIEW

Dear _____,

In response to your request for a reevaluation, you are advised that The Surgeon, U.S. Army Recruiting Command, has determined you are:

☐ Fully acceptable.
☐ Not acceptable.
☐ Not acceptable, with reexamination believed justified in _____ months.

You are also advised that your acceptability determination is:

☐ Unchanged, and the DD Form 62 previously furnished to you remains in effect.
☐ Changed, and a new DD Form 62 is enclosed.

If you have a question concerning your status, please contact your local board.

_____
(Executive Secretary)

BYRON V. PEPITONE,
Acting Director.

MAY 24, 1972.

[FR Doc.72-8110 Filed 5-26-72;8:50 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A & R Food Store, Inc., foodstores, 2-14-73: Brent, Ala.; Calera, Ala.; 202 Seventh Street South, Clanton, AL.

Abel's Pharmacy, Inc., drugstore; 101 West Southmore, Pasadena, TX; 2-15-73.

Able's Parkview Manor Pharmacy, Inc., drugstore; 3421 Spencer Highway, Pasadena, TX; 2-19-73.

Abourezk's Store, variety-department store; Mission, S. Dak.; 2-3-72 to 1-31-73.

Aero Pharmacy, Inc., drugstore; 2100 Orems Road, Middle River, MD; 1-31-73.

Alexander's Super Market, foodstore; 2023 East Overland, Scottsbluff, Nebr.; 1-31-73.

Allen's Big Star, foodstore; Second Avenue and Sixth Street North, Amory, Miss.; 2-2-73.

Andy's Smorgasbord & Prime Rib, restaurant; 3350 Highland Drive, Salt Lake City, UT; 1-31-73.

Apostolic Christian Home, nursing home; 511 Paramount Street, Sabetha, KS; 1-31-73.

Ashton Brothers Co., foodstore; 25 West Main, Vernal, UT; 2-9-72 to 1-28-73.

B & C Grocery, foodstore; 202 North Broadway, Walters, OK; 1-30-73.

B. J.'s AG Food Store, foodstore; 2808 North 19th, Waco, TX; 1-21-73.

Baenziger Model Market, foodstores, 1-31-73; 580 Coreth Drive, New Braunfels, TX; 510 Court, Seguin, TX.

E. W. Banks Co., variety-department store; 20-22 North Jackson Street, Forsyth, GA; 2-25-73.

Baptist Memorial Home, nursing home; 2104 12th Street, Harlan, IA; 2-7-73.

The Barrel Drive-In, Inc., restaurant; 2300 South Minnesota Avenue, Sioux Falls, SD; 2-3-72 to 1-31-73.

A. J. Bayless Markets, Inc., foodstores, 1-31-73, except as otherwise indicated: No. 32, Apache Junction, Ariz.; No. 53, Chandler, Ariz.; No. 37, Douglas, Ariz.; No. 36, Flagstaff, Ariz.; Nos. 3 and 50, Mesa, Ariz.; Nos. 4, 5, 7, 8, 11, 12, 16, 18, 20, 21, 22, 23, 25, 26, 29, 39, 40, 42, and 58, Phoenix, Ariz.; No. 54, Phoenix, Ariz. (2-14-72 to 1-31-73); Nos. 31 and 38, Scottsdale, Ariz.; No. 10, Sierra Vista, Ariz.; Nos. 6 and 51, Tempe, Ariz.; Nos. 33, 35, 45, and 55, Tucson, Ariz.; No. 41, Youngtown, Ariz.; Nos. 14, 24, and 82, Yuma, Ariz.

Ben Franklin Store, variety-department stores; No. 5539, Tucson, Ariz., 1-31-73; 200 East Main Street, Anamosa, IA, 2-4-73; 2720 West Locust Street, Davenport, IA 2-17-73.

Benjamin Hershey Memorial Convalescent Home, nursing home; 1810 Mulberry Avenue, Muscatine, IA; 2-9-72 to 1-29-73.

H. Berkman & Co., foodstore; Simonton, Tex.; 1-23-73.

Best Food Store, foodstore; 4737 Marlboro Pike, Coral Hills, MD; 2-14-73.

Bethany Home for the Aged, nursing home; 1005 Lincoln Avenue, Dubuque, IA; 1-22-73.

Big Bee Market, foodstore; 600 South State Road, Marysville, PA; 2-15-72 to 2-9-73.

Big Daddy's IGA, foodstore; Willow Street, Providence, Ky.; 1-25-73.

Bill's Super Market, foodstore; Schleswig, Iowa; 1-26-73.

Billy Sunday Retirement Home, nursing home; 6120 Morningside Avenue, Sioux City, IA; 1-31-73.

Bob Nolan's Supermarket, Inc., foodstore; 1029 South Sixth Street, Paducah, KY; 2-15-73.

Bob's Grocery, foodstore; 200 First Avenue Northwest, Cairo, GA; 1-31-73.

The Brethren Home, nursing home; Route 1, New Oxford, PA; 2-13-73.

Brittany Buffet, restaurants, 2-8-73; Nos. 601 and 602, San Antonio, Tex.

Broaddus Super Market, Inc., foodstore; Highway 21 West, Caldwell, TX; 1-31-73.

Buddy's Discount Foods, foodstore; 1011 Natchitoches Street, West Monroe, LA; 1-31-73.

Burns Hyklas Grocery, foodstore; Braymer, Mo.; 1-31-73.

Butrus Food Center, Inc., foodstore; 4301 10th Avenue North, Birmingham, AL; 1-31-73.

California Superama, Inc., foodstore; Fourth and Aztec, Gallup, N. Mex.; 1-21-73.

Calmar, Inc., foodstore; Uptown Plaza, Gallup, N. Mex.; 1-21-73.

Canfield Co., Inc., foodstore; George West, Tex.; 2-13-73.

Cap's Super Market, foodstore; 1000 Allo Street, Marrero, LA; 1-31-73.

Carter Brothers, agriculture; 709 North First Street, Rolling Fork, MS; 2-16-73.

Carter's, Inc., apparel store; 114 West Illinois, Vinita, OK; 1-31-73.

Carter's Shopping Center, foodstore; 120 West Illinois, Vinita, OK; 1-31-73.

Carty's Department Store, variety-department store; 215 East Main Street, West Point, MS; 1-31-73.

Cheatham Stores, variety-department store; 533 Harrison, Pawnee, OK; 1-31-73.

Childs Super Market, foodstore; Railroad Street, Gray, Ga.; 2-11-73.

Clark Nursing Home, Inc., nursing home; Clark, S. Dak.; 1-31-73.

Claud's Food Center, foodstore; Highway 99, Hominy, OK; 2-17-73.

Coker-Hampton Drug Co., Inc., drugstore; 218 South Main, Stuttgart, AR; 2-12-73.

Colonial Manor Nursing Home, Inc., nursing home; Route 6, Glover, VT; 1-13-73.

Conrad Marr Drug, drugstore; No. 1, Midwest City, Okla.; 1-23-73.

Covington Drug Co., drugstore; McKenzie, Tenn.; 1-29-73.

Creekmore's Food Center, foodstore; 217 West Market Street, Bolivan, TN; 1-31-73.

Crook's Food Mart, foodstore; Route 1, Senoia, GA; 2-13-73.

The Diamonds, restaurant; Villa Ridge, Mo.; 2-12-73.

Dillon Companies, Inc., foodstore; 17th and Fairlawn, Topeka, Kans.; 1-31-73.

Drake-Mangrum Super Market, foodstore; Batesville, Miss.; 2-15-73.

Duckwall Stores Co., variety-department stores, 1-31-73, except as otherwise indicated: No. 13 Lamar, Colo. (2-3-72 to 2-1-73); No. 3, Manhattan, Kans.; No. 8, McPherson, Kans.; No. 49, Topeka, Kans.; No. 83, Albuquerque, N. Mex. (2-14-73).

Eagle Stores Co., Inc., variety-department stores: 217 East Main Street, Forest City, NC, 1-31-73; No. 17, North Wilkesboro, N.C., 3-8-73; No. 7, Elizabethton, Tenn.; 2-1-73.

H. D. Eanes Grocery, foodstore; Route 1, Bassett, VA; 1-2-73.

Economy Super Market, Inc., foodstore; Route 3, Clendenin, WV; 2-1-73.

Edsel's AG Supermarket, foodstore; 100 Avenue F, Kentwood, LA; 2-15-73.

Edson Grocery, foodstore; Stanberry, Mo.; 1-31-73.

Egg-A-Day Farm Store, foodstores, 1-31-73; 1575 Center Point Road, Birmingham, AL; 217 South 77th Street, Birmingham, AL.

F & F Grocery, Inc., foodstore; Lake View, S.C.; 1-31-73.

O. K. Fairbanks Co., foodstores, 3-13-73: 84 Marlboro Street, Keene, NH; 480 West Street, Keene, NH.

Fedder's Fashion Shop, apparel store; 103 Main Street, Easley, SC; 3-2-73.

Ferri Super Market, Inc., foodstore; Old William Penn Highway, Murrysville, Pa.; 2-14-73.

M. H. Fishman Co., variety-department store; 50 Main Street, St. Albans, VT; 12-26-72.

Food Fair Super Market, foodstore; 890 Second Street, Macon, GA; 2-20-73.

Foodland, foodstore; 324 East Pine Street, Fitzgerald, GA; 1-31-73.

Frank's, Inc., foodstore; 113 West McCord Avenue, Albertville, AL; 2-4-73.

Frank's United Super, foodstore; 208 South Pine, Norborne, MO; 1-31-73.

G & L Foods, Inc., foodstore; 101 South Wilson, Cleveland, TX; 2–5–73.

Getz IGA Store, foodstore; Hoxie, KS; 2–16–73.

Gibson General Hospital, Inc., hospital; Trenton, Tenn.; 2–10–73.

Gockel IGA, foodstore; St. Marys, Kans.; 1–31–73.

The Goldenrod, restaurant; Railroad Avenue, York Beach, Maine; 2–24–73.

Graham's Department Store, Inc., variety-department store; 124–126 South Main Street, Red Springs, NC; 1–31–73.

W. T. Grant Co., variety-department store; No. 476, Pittsburgh, Pa.; 1–31–73.

Gross Food Market, foodstore; 3012 Bosque Boulevard, Waco, TX; 1–31–73.

H.E.B. Food Store, foodstore; No. 116, Elsa, Tex.; 1–31–73.

Haddad's, Inc., apparel store; 4825 McCorkle Avenue Southwest, South Charleston, WV; 1–31–73.

Handy-Andy, Inc., foodstores, 2–13–73: Nos. 171, 172, 173, and 174, Austin, Tex.; Nos. 291, 292, 293, and 294, Corpus Christi, Tex.; Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, and 27, San Antonio, Tex.

Hardy Super Market, Inc., foodstore; Shepherdsville, Ky.; 2–12–73.

Harmon Food Center, foodstore; 202 North Washington, Lake Mills, IA; 2–12–73.

Harry Minkovitz, Inc., variety-department store; 124 Main Street, Sylvania, GA 1–28–72 to 1–20–73.

Hezzie's Super Market, foodstore; Senath, Mo.; 1–31–73.

Hogan's Discount Foods, foodstore; 2936 Cypress Street, West Monroe, LA; 1–31–73.

Hollberg's, variety-department store; 306–310 Main Street, Senoia, GA; 1–31–73.

Hugh Bennington, foodstore; Cheney, Kans.; 1–31–73.

Independent Food Center, Inc., foodstore; 5913 Avenue D, Fairfield, AL; 1–31–73.

International House of Pancakes, restaurant; 5171 Chouteau, Kansas City, Mo.; 2–3–73.

Irving's Super Market, foodstore; 2029 Savannah Road, Augusta, GA; 1–31–73.

Isaly's, foodstore; Walnut Street, McKeesport, Pa.; 1–31–73.

Jacobs Cash Market, foodstore; 841 East Washington Street, Louisville, KY; 1–27–73.

Jay's IGA Foodliner, foodstore; 425 South Jefferson, Mexico, MO; 1–31–73.

Jennings Market, foodstore; 103 West Dakota Street, Butler, MO; 1–31–73.

Jerry's Super-Saver, foodstore; Osage City, Kans.; 2–17–73.

John Gray & Son Big Star, foodstore; No. 8, Memphis, Tenn.; 2–14–73.

Johnson's Super Market, foodstore; East Washington Street, Bedford, Va.; 2–17–73.

Kay's Affiliated Food Store, foodstore; 316 Main Street, Winona, TX; 1–31–73.

Kelloff's, Inc., foodstore; Antonito, Colo.; 2–19–73.

Kelloff's Food Market, Inc., foodstore; La Jara, Colo.; 2–9–72 to 1–31–73.

King's Food Host, USA, restaurant, 330 South College Avenue, Fort Collins, CO; 1–20–73.

Kirkland, Inc., foodstore; 1165 27th Street, Columbus, GA; 1–31–73.

L. Kittner's Department Store, Inc., variety-department store; 217 Washington Avenue, Weldon, NC; 1–25–73.

S. S. Kresge Co., variety-department stores, 2–3–73, except as otherwise indicated: No. 4308, Birmingham, Ala. (1–30–73); No. 750, St. Petersburg, Fla. (3–1–73); No. 717, Atlanta, Ga. (2–20–73); No. 4635, Oskaloosa, Iowa (2–11–73); 3810 University Avenue, Waterloo, IA (1–31–73); No. 4063, Alexandria, La. (1–24–73); No. 707, Metairie, La. (1–25–73); No. 4112, Asheville, N.C. (2–21–73); No. 4075, Raleigh, N.C. (2–7–73); No. 4246, Chattanooga, Tenn. (1–31–73); No. 4161, Dallas, Tex.; No. 4142, Garland, Tex.; No. 4080, Houston, Tex.; No. 4223, Houston, Tex. (1–21–73); No. 4236, Houston, Tex. (2–18–73); No. 729, Orange, Tex. (2–16–73); No. 4090, Charlottesville, Va. (1–31–73); No. 4104, Roanoke, Va. (1–21–73).

Land of Oz Grocery, foodstore; 126 East Main Street, Yukon, OK; 2–13–73.

Langston's Grocery, foodstore; West Blocton, Ala.; 1–31–73.

La Verna Heights, nursing home; 104 East Park Avenue, Savannah, MO; 2–15–73.

Lazenby's, foodstore; 1327 North Ripley Street, Montgomery, AL; 2–3–73.

Leon's Food Mart, Inc., foodstore; 2200 Winthrop Road, Lincoln, NE; 1–31–73.

Lett Rexall Drug, drugstore; 4337 Southeast 15th Street, Del City, OK; 2–20–73.

Liberty, foodstore; No. 42, Winona, Miss.; 2–17–73.

Long's Food Market, foodstore; 114 Main Street, Bastrop, TX; 1–28–73.

Lumbard-Leschinsky Studio, photo studio; 109 East Third Street, Grand Island, NE; 2–17–73.

Lynch Motor Co., Inc., auto dealer; West Main Street, Lebanon, Va.; 2–16–73.

Madonna Home, Inc., nursing home; 2200 South 52d Street, Lincoln, NE; 2–8–73.

Manchester Mall Dairy Queen, foodstore; 1 Manchester Hall, Manchester, Mo.; 2–13–73.

Manley Drug, Inc., drugstore; 621 G Avenue, Grundy Center, IA; 2–18–73.

Mars Brothers, Inc., variety-department store; Philadelphia, Miss.; 2–2–73.

Mason's Market, foodstore; Minden, Nebr.; 1–31–73.

McAdoos', apparel store; Public Square, Lebanon, Tenn.; 1–27–73

McCalmont IGA Store, foodstore; Sublette, Kans.; 1–31–73.

McCoy's Pharmacy & Gift Shop, drugstore; 139 East North Front, New Boston, TX; 1–31–73.

McCrory-McLellan-Green Stores, variety-department stores; No. 223, Sierra Vista, Ariz., 1–31–73; No. 338, Fort Lauderdale, Fla., 1–31–73; No. 263, Margate, Fla., 1–27–72 to 1–14–73; No. 183, New Port Richey, Fla., 2–14–72 to 1–31–73; No. 258, St. Petersburg, Fla., 2–10–73; No. 169, Latrobe, Pa., 2–7–73; No. 284, Stephenville, Tex., 2–11–73; No. 135, Mannington, W. Va.; 1–27–73.

McDonald's Hamburgers, restaurants, 2–15–73, except as otherwise indicated: 7716 Metcalf, Overland Park, KS; 10302 East 40 Highway, Independence, MO (1–25–72 to 1–12–73); 8020 South 71 Highway, Kansas City, MO (1–28–73); 4902 Swope Parkway, Kansas City, MO.

McGinley Market, foodstore; 102 South Polk Street, Albany, MO; 2–9–72 to 1–31–73.

Meador's Pharmacy, drugstore; 101 West Waterman, Dumas, AR; 1–31–73.

Mecca Convalescent Home, nursing home; 916 Southwest U.S. No. 1, Vero Beach, FL; 2–19–73.

Metagers Stores, service station; 1399 Diamond Drive, Los Alamos, NM; 2–17–73.

Midwest Covenant Home, Inc., nursing home; 615 East Ninth Street, Stromsburg, NE; 1–26–73.

Miller's Supermarket, Inc., foodstore; 702 South Main, Moab, UT; 2–18–72 to 2–12–73.

Milo's AG Market, foodstore; 204 South State Street, Preston, ID; 1–31–73.

Minimax, foodstore; 1411 Ahrens Street, Houston, TX; 1–31–73.

Minute Man, restaurant; No. 1, Little Rock, Ark.; 1–31–73.

Minyard Food Stores, Inc., foodstores, 2–19–73; Nos. 12 and 20, Arlington, Tex.; Nos. 1, 2, 3, 4, 6, 10, 11, 14, 18, 19, 21, 22, 23, and 24, Dallas, Tex.; No. 15, Garland, Tex.; No. 25, Grand Prairie, Tex.; No. 17, Irving, Tex.; No. 9, Lancaster, Tex.; No. 16, Lewisville, Tex.; No. 7, Mesquite, Tex.; No. 26, Waxahachie, Tex.

Moore's Department Store, Inc., variety-department store; Clarkson, Nebr.; 2–9–72 to 2–1–73.

Morgan & Lindsey, Inc., variety-department stores, 1–31–73, except as otherwise indicated: No. 3031, Camden, Ark.; No. 3023, Dermott, Ark.; No. 3079, Abbeville, La. (2–4–73); No. 3024, Amite, La. (1–23–73); No. 3012, Baton Rouge, La.; No. 3094, Covington, La.; No. 3128, DeRidder, La.; No. 3126, Franklin, La.; No. 3104, Houma, La. (1–25–73); No. 3130, Houma, La.; No. 3042, West Point, Miss.; No. 3115, Angleton, Tex.; No. 3075, Silsbee, Tex. (2–4–73).

G. C. Murphy Co., variety-department stores: No. 803, Connellsville, Pa., 1–31–73; No. 217, Mercersburg, Pa., 2–14–73.

Myatt Brothers Food Store, foodstore; Purvis, Miss.; 1–31–73.

D & D Mr. AG, foodstore; Hoxie, Kans.; 1–31–73.

Neisner Bros., Inc., variety-department store; No. 167, Cutler Ridge, Fla.; 3–5–73.

New York Food Store, Inc., foodstore; 117 Nassau Street, Charleston, SC; 1–23–73.

Newton's Red & White Super Market, foodstore; 120 East Wilson Street, Farmville, NC; 2–10–73.

Nipple Convalescent Home, nursing home; Route 1, Thompsontown, Pa.; 2–14–73.

Nu-Way Grocery, foodstore; 104 East Broadway, Drumright, OK; 1–31–73.

Osborn Market, foodstore; Miller, S. Dak.; 2–16–73.

The Outlet Co., Inc., apparel store; 1926 Second Avenue North, Bessemer, AL; 2–1–73.

Pak-A-Sak Food Stores, Inc., foodstores; 1–31–73: 206 North East Street, Kinston, NC; 1400 Arendell Street, Morehead City, NC; Highway 24, Swansboro, NC.

Palace Drug Co., Inc., drugstore; 704 North Manhattan, Manhattan, KS; 2–16–73.

Palmer's Super Market, foodstore; Parkersburg, Iowa; 1–31–73.

Parker's Supermarket, foodstore; Highway 82 East, New Boston, TX; 2–11–73.

Pence-Ottawa North, Inc., foodstore; 305 North Main, Ottawa, KS; 1–29–73.

Pfeiffer's Drugs, drugstore; 2501 West Cervantes Street, Pensacola, FL; 2–17–73.

Piggly Wiggly, foodstores, 1–31–73, except as otherwise indicated: Aliceville, Ala.; 410 North Main Street, Arab, AL; Heflin, Ala. (2–2–73); Biscoe, N.C.; Mount Gilead, N.C.; Troy, N.C.

Polaykoff Food Market, foodstore; 1001 Court Street, Sioux City, IA; 1–31–73.

Powell's Red & White, foodstore; St. Stephen, S.C.; 1–31–73.

Powers Market, foodstore; 301 Hillsboro Highway, Manchester, TN; 2–14–73.

Prairie View Leasing Corp., nursing home; Sanborn, Iowa; 1–31–73.

Prenger's, Inc., restaurant; 116 East Norfolk Avenue, Norfolk, NE; 2–8–72 to 1–31–73.

Prince, Inc., foodstores: Brooks Plaza Shopping Center, Fort Walton Beach, Fla., 1–20–73; Towncrest Shopping Center, Fort Walton Beach, Fla., 2–5–73.

Professional Services, restaurants, 2–8–73: Nos. 652 and 653, San Antonio, Tex.

Raylass Department Store, variety-department stores, 2–14–73, except as otherwise indicated: Cedartown Shopping Center, Cedartown, Ga. (1–31–73); 438 North Commerce Street, Summerville, GA (1–31–73); Lake Hills Shopping Center, Chattanooga, Tenn. (1–20–73); 4704 Rossville Boulevard, Chattanooga, TN; East Main Street, Livingston, Tenn.; 304 East Main Street, McMinnville, TN.

Raymond's Clothes Shop, apparel store; 614 Fourth Street, Sioux City, IA; 2–16–72 to 2–1–73.

Ream's Bargain Annex, Inc., foodstores, 1–31–73: No. 5, Bountiful, Utah; Nos. 2 and 6, Salt Lake City, Utah; 4750 South Redwood Road, Taylorsville, UT.

The Record Bar, music stores, 2–8–73: Southpark Mall, Charlotte, N.C.; Greenville, N.C.; Tarrytown Mall, Rocky Mount, N.C.

Red & White Super Market, foodstore; 1503 Highland Avenue, Montgomery, AL; 2–17–73.

Regal Baker's IGA Food Store, foodstore; Highway 79 South, McKenzie, TN; 2–19–73.

Richardsons Super Food Market, foodstore; Estes Park, Colo.; 2–16–72 to 2–11–73.

Robert Berlin, Inc., variety-department store; 22 South York Road, Hatboro, PA; 1–23–73.

Rose's Stores, Inc., variety-department store; No. 19, Scotland Neck, N.C.; 2–7–72 to 1–1–73.

Ruffins Department Store, Inc., variety-department store; Hemingway, S.C.; 1–26–73.

Rushing & Swope Maverick Steak House, Inc., restaurant; Pasadena, Tex.; 2–16–73.

S & V Super Market, foodstore; Williamston, N.C.; 1–31–73.

Sacred Heart Hospital, hospital; West Fourth Street, Yankton, S. Dak.; 1–31–73.

St. Joseph Hospital, hospital; North Church Street, Hazelton, Pa.; 1–31–73.

Salem Lutheran Homes, nursing home; Elk Horn, Iowa; 2–2–72 to 1–31–73.

The Salida Boys Market, Inc., foodstore; 312 F Street, Salida, CO; 2–8–72 to 1–25–73.

Sam's Super Market, foodstore; 2135 South Minnesota Avenue, Sioux Falls, SD; 2–3–72 to 1–31–73.

Seikel's Department Store, variety-department store; McLoud, Okla.; 2–11–73.

Sherry Hardware, hardware store; 1716 West Fourth Street, Davenport, IA; 2–16–73.

Sholar's Thrifty Foods, foodstore; First Avenue Northeast, Cairo, Ga.; 1–31–73.

Simon Neustadt Co., Inc., foodstore; Los Lunas Shopping Center, Los Lunas, N. Mex.; 2–17–73.

Smith Drug Stores, Inc., drugstore; 614 West Sixth Street, Junction City, KS; 1–31–73.

Spalding Manor, nursing home; Spalding, Nebr.; 2–8–72 to 1–31–73.

J. F. Spillane, Inc., variety-department store; 500 West Marshall Street, Norristown, PA; 1–23–73.

S. L. Spotto Co., hardware store; 805 West Crawford Avenue, Connellsville, PA; 1–31–73.

Spurgeon's variety-department stores, 1–23–73, except as otherwise indicated: 413 Chestnut Street, Atlantic, IA (2–16–73); 112–114 North Main Street, Charles City, IA; No. 8, Fairfield, Iowa; 127 North Main, Mount Pleasant, IA (2–16–72 to 2–2–73).

Sterling Stores Co., variety-department stores: Albert Pike Shopping Center, Hot Springs, Ark., 2–5–73; 4201 East Broadway, North Little Rock, AR, 2–8–73; Green Village Shopping Center, Dyersburg, Tenn., 1–28–73; 4441 Highway 61 South, Memphis, TN 1–26–73.

Sturm's Youth World, apparel store; 535 Main Street, Oak Ridge, TN; 2–3–73.

Super Drive-Ins, foodstores, 2–18–73; No. 3, Clarksville, Tenn.; No. 1, Nashville, Tenn.

Sutton Super Market, Inc., foodstore; U.S. 25 West, Wiliamsburg, Ky.; 2–14–73.

T. G. & Y. Stores Co., variety-department stores, 2–14–73, except as otherwise indicated: No. 1501, Phoenix, Ariz. (1–31–73); No. 168, Little Rock, Ark. (1–22–73); No. 649, Fontana, Calif. (2–15–72 to 1–31–73); No. 790, St. Cloud, Fla. (1–17–73); No. 1401, Overland Park, Kans. (1–26–72 to 1–21–73); No. 479, Mexico, Mo.; No. 457, St. Joseph, Mo.; No. 1000, Miami, Okla.; No. 64, Midwest City, Okla.; No. 1005, Purcell, Okla.; No. 448, Tulsa, Okla. (2–4–73); Nos. 471, 472, and 473, Tulsa, Okla. (2–7–73); No. 1702, Greenville, S.C. (1–26–72 to 10–14–72).

Thompson's Foodland, foodstore; Grand Junction, Iowa; 2–8–72 to 1–31–73.

Thornton's, foodstore; Odem, Tex.; 2–8–73.

Thriftway, foodstore; No. 302, Blue Ridge, Va.; 1–28–73.

Tomlinson Stores, Inc., variety-department store; West Main Street, Dillon, S.C.; 2–12–73.

Tomlinson's Discount Store, variety-department store; 155 North Dargan Street, Florence, SC; 2–26–73.

The Union Grocery Co., Inc., foodstore; Gary, W. Va.; 2–12–73.

Y & M Drugs, drugstore; 108 South Main, Temple, TX; 1–31–73.

Victoria Pharmacy, drugstore; Victoria, Tex.; 2–12–73.

Vista, Inc., restaurants: 825 West Sixth Street, Emporia, KS, 2–3–72 to 2–1–73; 1911 Tuttle Creek Boulevard, Manhattan, KS 1–31–73.

Walgren's Market, Inc., foodstores, 1–29–73: 104 South Adams, Mount Pleasant, IA; West Main Street, New London, Iowa.

Wall Drug Store, Inc., drugstore; Wall, S. Dak.; 1–31–73.

Warshaw's, apparel store; 216 Washington Street, Walterboro, SC; 2–6–73.

Wayside Market, foodstore; Route 2, Radford, VA; 1–23–73.

Welch's Red & White, foodstore; Isle of Palms, S.C.; 1–31–73.

Westside Market, foodstore; Route 4, Marion, KY; 1–18–73.

Whitehurst & Son, foodstore; Hobgood, N.C.; 1–31–73.

White's City, Inc., restaurant; White's City, N. Mex.; 2–1–73.

Wilke's Sure Save, foodstores, 1–31–73: 118 South Main, Elkader, IA; 124 Main Street, Fredericksburg, IA; 108 West Center, Monona, IA.

Willard's IGA, foodstore; Sixth and Pacific, Osawatomie, Kans.; 1–31–73.

William Kemper, foodstore; Route 3, Shelbyville, Ky.; 1–24–73.

Wilson Food Store, foodstore; 1033 North Second, Merkel, TX; 1–31–73.

Woodbury Market, foodstore; 214 McCrary Street, Woodbury, TN; 1–31–73.

Wood's 5 & 10c Stores, variety-department store; West Hudson Street, Fayetteville, N.C.; 2–2–73.

Wright Grocery Co., foodstore; Wright Shopping Center, Fort Walton Beach, Fla.; 1–21–73.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A. J. Bayless Markets, Inc., foodstores, 1–31–73: No. 30, Phoenix, Ariz., package clerk, salesclerk, 20 to 36 percent; No. 39, Phoenix, Ariz., salesclerk, stock clerk, 2 to 9 percent.

Boehner's IGA Supermarket, foodstore; Milan, Mo.; stock clerk, bagger, carry out, checker, bottler, janitorial, unloader, produce assistant, meatcutter helper, delivery clerk; 26 to 45 percent; 1–26–72 to 1–21–73.

Handy-Andy, Inc., foodstore; No. 25, San Antonio, Tex.; bottler, produce clerk, salesclerk, office cashier, porter, checker, packager, stock clerk; 25 to 37 percent; 2–13–73.

Montross Pharmacy, Inc., drugstore; 118–120 North First Avenue, Winterset, IA; waitress (waiter), salesclerk; 6 to 13 percent; 2–8–72 to 1–31–73.

Sav Way Cee Bee, foodstore; Highway 70 North, Carthage, Tenn.; salesclerk, stock clerk, sacker, carry out; 19 to 27 percent; 3–12–73.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 23d day of May 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72–8065 Filed 5–26–72;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte 265]

INCREASED FREIGHT RATES, 1970

Petition for Relief From Filing Requirement

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971, (339 ICC 125) the parties to these proceedings listed herein have severally petitioned the Commission for relief from the provisions of the order in Ex Parte No. 265, entered on March 4, 1971, (339 ICC 125 p. 307) requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and April 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission;

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed herein do not have a significant effect on the overall standards of service given to shippers by the railroads as a whole:

Cadiz Railroad Co.
Cape Fear Railways, Inc.
Delta Valley and Southern Railway Co.
Livonia, Avon, and Lakeville Railroad Corp.
Mississippian Railway.
Portland Traction Co., Portland Railroad and Terminal Division.

It is ordered, That the parties named herein be, and they are hereby, relieved of filing with the Commission quarterly reports of their actions to correct service deficiencies.

Dated at Washington, D.C., this 18th day of May 1972.

By the Commission, Commissioner Walrath.

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

[FR Doc.72-8090 Filed 5-26-72;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42435—*Barytes from Cartersville, Georgia.* Filed by M. B. Hart, Jr., agent (No. A6311), for interested rail carriers. Rates on barytes, crude, ground, in carloads, as described in the application, from Cartersville, Ga., to Detroit and Mount Clemens, Mich.

Grounds for relief—Market competition.

Tariff—Supplement 127 to Southern Freight Association, agent, tariff ICC S-417. Rates are published to become effective on June 22, 1972.

FSA No. 42436—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 663), for interested rail carriers. Rates on butadiene, liquid fertilizer, and synthetic plastic, in carloads and tank carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariffs—Supplements 2 and 140 to Texas-Louisiana Freight Bureau, agent, tariffs ICC 1156 and 998, respectively. Rates are published to become effective on July 1 and June 29, 1972, respectively.

AGGREGATE OF INTERMEDIATES

FSA No. 42437—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 662), for interested rail carriers. Rates on butadiene, liquid fertilizers, and synthetic plastic, in carloads and tank carloads, as described in the application, from, to any between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariffs—Supplements 2 and 140 to Texas-Louisiana Freight Bureau, agent, tariffs ICC 1156 and 998, respectively. Rates are published to become effective on July 1 and June 29, 1972, respectively.

By the Commission.

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

[FR Doc.72-8088 Filed 5-26-72;8:49 am]

[Notice 75]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 23, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 197778 (Sub-No. 79 TA) (Amendment), filed March 31, 1972, published in the FEDERAL REGISTER issue of April 27, 1972, amended and republished in part as amended this issue. Applicant: MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Chicago, IL 60606. Applicant's representative: R. H. Tietz (same address as above). NOTE: The purpose of this partial republication is to add the restriction set forth as follows: Service authorized herein is limited to that which is auxiliary to or supplemental of the rail service of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Co.

No. MC 30844 (Sub-No. 406 TA), filed May 11, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Fresh or frozen dressed poultry, poultry products, and frozen foods* and (b) *commodities,* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (a) above, from West Liberty, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to the plantsite and storage facilities of Louis Rich Foods, Inc., for 180 days. Supporting shipper: Louis Rich Foods, Inc., Post Office Box 288, West Liberty, IA 52776. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 35045 (Sub-No. 8 TA), filed May 12, 1972. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, GA 30307. Applicant's representative: Ed Horne (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metal* from Atlanta, Ga., to Wabash, Ind., for 180 days. Supporting shipper: Wabash Smelting, Inc., Post Office Box 454, Wabash, IN 46992. Send protests to: William L. Scroggs, District Supervisor. Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 53965 (Sub-No. 83 TA), filed May 12, 1972. Applicant: GRAVES TRUCK LINE, INC., Post Office Box 838, 739 North Tenth Street, Salina, KS 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the following points in Oklahoma: Foraker, Pearsonia, Marland, Red Rock, Ceres, Cashion, Navina, Crescent, Lovell, Mulhall, Orlando, Marshall, Douglas, Covington, Hayward, Lucien, Fairmont, Gansel and those in Kay County and that portion of Osage County lying on and west of Oklahoma State Highway 18 and on and north of U.S. Highway 60, as intermediate and off-route points in connection with carrier's presently authorized regular route operations, for 150 days. NOTE: Applicant does intend to tack the authority here applied for to other authority held by it, service to be rendered as off-route points, regular route, as shown in MC 53965 Sub 30, between Wichita, Kans., and Oklahoma City, Okla. Supported by: No supporting shippers' statements are submitted. The application is supported by

[1] Except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972), states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

operating economies in connection with corresponding intrastate authority granted by the Oklahoma Corporation Commission, as set forth in applicant's supporting statement. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 59668 (Sub-No. 4 TA), filed May 5, 1972. Applicant: HAROLD G. CLINE, INC., Post Office Box 352, Du Pont Road and Harding Highway, Penns Grove, N.J. 08069. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solidified carbon dioxide*, in insulated boxes or insulated trailers, (1) from Gibbstown, N.J., to Thomasonville, Conn., and (2) from Philadelphia, Pa., to Boston, Mass., Kearny, N.J., Newark, N.J., New York, N.Y., and Thompsonville, Conn., for 180 days. Supporting shipper: Thermice Corp., 1429 Walnut Street, Philadelphia, PA 19102. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 59668 (Sub-No. 5 TA), filed May 5, 1972. Applicant: HAROLD G. CLINE, INC., Post Office Box 352, Du Pont Road and Harding Highway, Penns Grove, N.J. 08069. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solidified carbon dioxide*, in boxes or insulated trailers, from Gibbstown, N.J., to Stratford, Conn., for 180 days. Supporting shipper: Chemetron Corp., Cardox Division, 840 North Michigan Avenue, Chicago, IL 60611. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 100623 (Sub-No. 33 TA), filed May 12, 1972. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: Fred Tomkowicz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greeting card display racks*, from Philadelphia, Pa., to points in Maryland, and Virginia; points in Berks, Bucks, Carbon, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northamption, Schuylkill, and York Counties, Pa.; points in Atlantic Ocean, Cape May, Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, and Warren Counties, N.J.; points in New Castle County, Del., and the District of Columbia. Restriction: The service authorized herein is subject to the following conditions: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day, and except any package or article 108 inches or less in length or girth combined, for 180 days. Supporting shippers: Hallmark Cards Inc., Manning Road, Enfield, Conn. 06082; American Greetings Corp., 10500 American Road, Cleveland, OH 44144. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 108449 (Sub-No. 342 TA), filed May 12, 1972. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, in bulk, in tank vehicles, between Eau Claire and La Crosse, Wis., on the one hand, and St. Paul and Wescott, Minn., on the other, for 180 days. Supporting shipper: Northern States Power Co., Eau Claire, Wis. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 109397 (Sub-No. 273 TA), filed May 4, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, East on Interstate Business Route 44, Joplin, MO 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Depleted UF 6*, from Sequoyah Facilities of Kerr-McGee, Okla., to the facilities of Tennessee Nuclear, Jonesboro, Tenn., for 180 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73102. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110420 (Sub-No. 656 TA), filed May 9, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Office: I–94 County Highway, Bristol, Kenosha County, Wis. 53102. Applicant's representative: Thomas P. Davison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal animal feed ingredients*, dry, in bulk, in air unloading vehicles, from Hammond, Ind., to Delavan, Wis., for 180 days. Supporting shipper: The Peterson Co., Post Office Box 60, Battle Creek, MI 49016 (Rona'd J. Sayen). 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 111231 (Sub-No. 176 TA), filed May 11, 1972. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, AR 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by wholesale or retail, discount or variety stores, between the plant and warehouse site of Wal-Mart Inc., in Bentonville, Ark., on the one hand, and points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Tennessee, on the other, for 180 days. Supporting shipper: Wal-Mart Stores, Inc., 702 Soutwest Eighth Street, Bentonville, AR 72712. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114265 (Sub-No. 14 TA), filed May 12, 1972. Applicant: RALPH SHOEMAKER - SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: Raymond D. Givens, Post Office Box 964, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden I beam trusses and component parts*, from Fort Lupton, Colo.; to Omaha, Nebr.; Topeka, Kans.; Kansas City, Mo.; Oklahoma City, Okla., and Dallas, Tex., for 180 days. NOTE: Applicant states it does not intend to tack or interline authority herein sought. Supporting shipper: Trus-Joist Corp., 9777 West Chinden Boulevard, Boise, ID 83704. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

No. MC 115667 (Sub-No. 6 TA), filed May 11, 1972. Applicant: ARROW TRANSFER CO., LTD., 320 Seymour Boulevard, North Vancouver, BC, Canada. Applicant's representative: George La Bissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals* in containers, from Los Angeles, San Francisco Bay area, Modesto and Pittsburg, Calif., Portland and Lebanon, Oreg., Seattle, Tacoma, Olympia and Bellingham, Wash., to ports of entry on United States-Canada border in Washington, restricted to traffic moving in foreign commerce, for 180 days. Supporting shippers: The Chemithon Corp., 5430 West Marginal Way SW., Seattle, WA 98106; SV Chemicals, 1918 Milwaukee Way, Tacoma, WA 98421; Georgia-Pacific Corp., Post Office Box 1236, Bellingham, WA 98225; Pennwalt Corp., Post Office Box 1297, Tacoma, WA 98401; Reichhold Chemicals, Inc., Post Office Box 1482, Tacoma, WA 98401; Dow Chemical of Canada, Ltd., Ladner, BC Canada; Van Waters & Rogers Ltd., Post Office Box 2009, Vancouver 3 BC. Send protests to: E. J. Casey, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 119619 (Sub-No. 68 TA), filed May 8, 1972. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in the New York, N.Y. commercial zone, as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.D. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), and points in Essex, Bergen, Hudson, Union, Somerset, and Middlesex Counties, N.J., to points in the commercial zones of Pittsburgh, Pa.; Charleston, W. Va.; Akron, Canton, Solon, Youngstown, Salem, Cleveland, Columbus, Cincinnati, Dayton, and Litchfield, Ohio; Louisville, Lexington, and Jeffersontown, Ky.; Indianapolis, Fort Wayne, and Jefferson, Ind., and St. Louis, Mo., for 180 days. There are approximately 38 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: District Supervisor Robert G. Anderson, Bureau of Operations, Interestate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 123556 (Sub-No. 2 TA), filed May 10, 1972. Applicant: RAHIER TRUCKING, INC., 1822 South First Street, Yakima, WA 98901. Applicant's representative: Jack McGuire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and roofing supplies*, from points in Contra Costa, Santa Clara, and Yuba Counties, Calif., to points east of the Cascade Mountains in the State of Washington, for 180 days. Supporting shippers: M. G. Wagner Co., Inc., 1507 South 18th Avenue, Yakima, WA 98902; McGuire Lumber Co., Inc., 1822 South First Street, Yakima, WA 98903. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 125994 (Sub-No. 3 TA), filed May 10, 1972. Applicant: BILL WOCKNER TRUCKING, INC., 4004 Northeast 178th Street, Seattle, WA 98155. Applicant's representative: James McCabe, Olympic National Life Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, wine, frozen foods, machinery, and commodities* dealt with by automotive parts and equipment suppliers, from points in Washington to points in Oregon, California, Nevada, and Idaho and return, for 180 days. NOTE: Applicant states it does intend to tack with this authority in MC 125994. Supporting shippers: Automotive Equipment Co., 2025 Airport Way South, Seattle, WA 98134; Cummins Northwest Diesel, Inc., 2520 Airport Way South, Seattle, WA 98134; Fleet Equipment, Inc., 666 South Plummer Street, Seattle, WA 98134; Jennings Corp., 111 Bruenn Avenue, Post Office Box 4117, Wycoff Station, Bremerton, WA 98310; Washington Fish & Oyster Co., Pier 54, Seattle, Wash. 98104. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128734 (Sub-No. 1 TA), filed May 11, 1972. Applicant: W. B. PRODUCE HAULERS, INC., 326 Pleasant SW., Grand Rapids, MI 49502. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* other than in bulk, in vehicles equipped with mechanical refrigeration, with return of *containers, rejected or damaged products*, for the Sealtest Foods Division of Kraftco Corp., from Huntington, Ind., to retail stores located in Greenville, Cedar Springs, Lowell, Ionia, Muskegon, Holland, Grand Rapids, Ypsilanti, Kalamazoo, and Battle Creek, Mich., under contract with the Sealtest Foods Division of Kraftco Corp., for 180 days. Supporting shipper: Robert Van Strien, distribution manager, Sealtest Foods, 2224 West Willow, Lansing, MI 48917. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 135735 (Sub-No. 1 TA), filed May 10, 1972. Applicant: AIR-LAND TRANSPORT, INC., 5615 West Marginal Way SW., Seattle, WA 98106. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo vans and containers only, between points in King, Pierce, and Snohomish Counties, Wash., limited to traffic having an immediate prior or subsequent movement by water; and (2) *empty cargo vans, containers, and chassis*, between points in King, Pierce, and Snohomish Counties, Wash., for 180 days. Supporting shippers: Potlatch Forests, Inc., Lewiston, Idaho 83501; Balfour, Guthrie & Co., Ltd., 301 Norton Building, Seattle, Wash. 98104; Interpool, World Trade Center, Room 275, San Francisco, Calif. 94111; Kerr Steamship Co., Inc., Suite 3801, Seattle-First National Bank Building, Seattle, Wash. 98104. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135833 (Sub-No. 7 TA), filed May 11, 1972. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, IN 46219. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated steel*, from Muncie, Ind., to Nashville, Tenn., for 180 days. Supporting shipper: Indiana Bridge Co., 1810 South Macedonia, Muncie, IN. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135874 (Sub-No. 4 TA), filed May 9, 1972. Applicant: LTL PERISHABLES, INC., 132d and Q Streets, 108 Renfro Circle, Omaha, NE 68137. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Madelia, Minn., to points in Iowa, Nebraska, and South Dakota, for 180 days. Supporting shipper: Royal Pantry Foods, Inc., Madelia, Minn. 56052. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135874 (Sub-No. 5 TA), filed May 9, 1972. Applicant: LTL PERISHABLES, INC., 132 and Q Streets, 108 Renfro Circle, Omaha, Nebr. 68137. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and paper articles and aluminum trays* when moving in mixed shipments with foodstuffs, from Omaha, Nebr., to Fargo and Grafton, N. Dak., for 180 days. NOTE: Applicant states it will interline with Frozen Food Express at Omaha, Nebr., for traffic originating at points such as Dallas to Grafton and Fargo. Supporting shipper: Dob Division of Fairmont Foods Co., 4410 South 89, Omaha, NE 68127. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 136159 (Sub-No. 4 TA), filed May 11, 1972. Applicant: AVIS HIGGINS, doing business as A.B.S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, sign poles, sign pole parts, electrical advertising displays and accessories* when moving therewith, from Los Angeles, Calif., to points in the United States (except Hawaii), for 180 days. Supporting shipper: Federal Sign & Signal Corp., 1100 North Main Street, Los Angeles, Calif. Send protests to: Barney L. Hardin, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 136638 TA (Correction), filed April 18, 1972, published in the FEDERAL REGISTER, issue of May 6, 1972, corrected and republished in part as corrected this issue. Applicant: WILLIE HARRIS WOLFE, doing business as FRANK WOLFE'S BONDED WAREHOUSE, Post Office Box 473, 3102 Henry Street, Greenville, TX 75401. Applicant's representative: Ford Molen (same address as above). NOTE: The purpose of this partial republication is to reflect applicant's correct name as Willie Harris Wolfe, doing business as Frank Wolfe's Bonded Warehouse, in lieu of Willie Harris Wolfe, doing business as Frank *Wolde's* bonded Warehouse, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 136681 (Sub-No. 1 TA), filed May 9, 1972. Applicant: LEWIS M. BARON, doing business as TRADE DELIVERY SERVICE, 17 East 22d Street, New York, NY 10010. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copperware, enamelware, kitchen utensils, books, advertising materials*, (1) from piers in New York, N.Y., Harbor, New York, N.Y., to East Brunswick, N.J., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and (2) from East Brunswick, N.J., to points in New York, N.Y., commercial zone, points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., for 180 days. Supporting shipper: David Kamenstein, Inc., 225 Fifth Avenue, New York NY 10010. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136684 TA, filed May 8, 1972. Applicant: S & C SERVICE CORPORATION, 962 East Daggett Street, Fort Worth, TX 76104. Applicant's representative: James E. Henderson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, between points in Alaska, Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Utah, Colorado, Arizona, New Mexico, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, South Carolina, and Florida. Restricted to pickup only in Midvale, Murray, Garfield, and Salt Lake City, Utah, Washington, Idaho, Oregon, and California for delivery to Texas and States east of Texas only, for 180 days. Supporting shipper: BKG Enterprises, Inc., 3200 Canton Street, Dallas, Tex. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-8087 Filed 5-26-72;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

NEW JERSEY WATER QUALITY STANDARDS

Notice of Standards Revision Conference On New Jersey Atlantic Coastal Area

Pursuant to the provisions of section 10(c)(2) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1160 (c)), and in accordance with the request of Governor William T. Cahill of the State of New Jersey in his letter dated December 8, 1971, I hereby call a conference to consider revision of the presently applicable water quality standards implementation plan for the New Jersey Atlantic Coastal Basin.

The conference will consider all domestic sewage and industrial waste point source discharges which affect, or which will affect, the interstate waters of New Jersey between the coastal stretch from Sandy Hook to Cape May.

The purpose of the conference will be to review and, if necessary and appropriate, revise portions of the presently applicable water quality standards implementation plan.

One of the major factors to be considered in the revision of standards is the development and implementation of recommended regional, i.e. joint, treatment systems, as an alternative to individual treatment by each point source discharger. The conference will also provide an opportunity for establishing implementation requirements for point sources not presently included in the existing implementation plan.

The conference will convene at 9 a.m. on June 27, 1972 at the Toms River Intermediate School Hall, Hooper Avenue, Toms River, N.J. I have designated Mr. Gerald M. Hansler, Regional Administrator, Region II, Environmental Protection Agency, as Chairman of the Conference.

Parties to the conference will be representatives of Federal agencies, the State of New Jersey, municipalities, citizens groups, and industries who are contributing to, affected by, or have an interest in, the water quality standards implementation plan to be covered by the conference and who register their intent to be parties to the conference sessions, and such other persons whom the Chairman, upon application and good cause shown, admits as parties to the conference.

WILLIAM D. RUCKELSHAUS,
Administrator.

MAY 26, 1972.

[FR Doc.72-8234 Filed 5-26-72;4:47 pm]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

PROCLAMATIONS:
- 3044 (see EO 11669) — 9013
- 3279 (amended by Proc. 4133) — 9543
- 4126 — 8857
- 4127 — 8937
- 4128 — 9009
- 4129 — 9011
- 4130 — 9199
- 4131 — 9311
- 4132 — 9455
- 4133 — 9543
- 4134 — 9607
- 4135 — 9663
- 4136 — 10427
- 4137 — 10429

EXECUTIVE ORDERS:
- July 2, 1872 (revoked in part by PLO 5212) — 10364
- 10450 (see Directive of May 17, 1972) — 10053
- 10865 (see Directive of May 17, 1972) — 10053
- 11652 (see Directive of May 17, 1972) — 10053
- 11669 — 9013
- 11670 — 10431

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Directive of May 17, 1972 — 10053
- Memorandum of April 19, 1972 — 9101
- Memorandum of May 5, 1972 — 10051

4 CFR

- 331 — 9609
- 351 — 9609
- 400 — 9609
- 401 — 9609
- 402 — 9609

PROPOSED RULES:
- 331 — 10454

5 CFR

- 213 — 8939, 9015, 9383, 10067, 10433, 10553
- 733 — 9609, 10337

PROPOSED RULES:
- 2411 — 9138
- 2470 — 9141
- 2471 — 9141

6 CFR

- 101 — 8939, 9457, 10493
- 300 — 8941, 9120, 9313, 9981, 10493

PROPOSED RULES:
- 401 — 8951

7 CFR

- 47 — 9201
- 52 — 9755
- 54 — 9458
- 55 — 9458
- 56 — 9458
- 68 — 8859, 9981, 10495, 10655
- 70 — 9458
- 81 — 9665
- 220 — 9609

7 CFR—Continued

Page

- 271 — 9313
- 301 — 8860, 10554
- 302 — 10554
- 318 — 10554
- 319 — 10554
- 320 — 10554
- 321 — 10554
- 322 — 10554
- 330 — 10554
- 331 — 10554
- 351 — 10554
- 352 — 10554
- 353 — 10554
- 354 — 10554
- 370 — 10554
- 401 — 9458
- 409 — 9458
- 711 — 10656
- 722 — 9202, 10709
- 728 — 10709
- 729 — 8860
- 751 — 9981
- 752 — 10337
- 811 — 8861
- 859 — 9614
- 905 — 9756
- 907 — 9015, 9204, 9459, 9616, 9982, 10433, 10554, 10715
- 908 — 9015, 9459, 9982, 10555
- 910 — 9204, 9314, 9616, 10067, 10341, 10433, 10715
- 911 — 9617, 10497, 10716
- 912 — 9756
- 916 — 8862, 10716
- 917 — 9205
- 918 — 10433, 10717
- 928 — 9557
- 944 — 9983
- 953 — 9119
- 959 — 9983
- 987 — 10067
- 1137 — 9618
- 1205 — 9016
- 1421 — 8863, 9016, 9558, 10555, 10656, 10718
- 1488 — 9383
- 1804 — 9618
- 1890t — 9206

PROPOSED RULES:
- 29 — 10738
- 52 — 9128
- 54 — 9325
- 55 — 9325
- 56 — 9325
- 70 — 9325
- 201 — 10572
- 760 — 9224
- 910 — 9042
- 912 — 10575
- 915 — 9401
- 916 — 9485
- 917 — 9327, 9634
- 918 — 9564
- 923 — 10077
- 944 — 9403
- 987 — 8952
- 1006 — 9565

7 CFR—Continued

Page

PROPOSED RULES—Continued
- 1012 — 9565
- 1013 — 9565
- 1030 — 9128, 9634
- 1065 — 9634
- 1127 — 9042
- 1421 — 10448
- 1464 — 10672
- 1824 — 9485
- 1890a — 10449

9 CFR

- 11 — 9018
- 71 — 8864, 9460
- 73 — 10434
- 76 — 8864, 9103, 9460, 9757, 10068
- 82 — 8943, 9983, 10671
- 92 — 9019
- 97 — 9384
- Ch. III — 9460
- 381 — 9706

PROPOSED RULES:
- 92 — 9328

10 CFR

- 30 — 9207
- 50 — 9619, 9779
- 150 — 9207
- 170 — 8943

PROPOSED RULES:
- 2 — 9331
- 50 — 9331
- 140 — 9227

12 CFR

- 225 — 9022
- 329 — 10341
- 528 — 8865
- 545 — 10722
- 563 — 9314
- 700 — 10342
- 702 — 10342
- 715 — 10342, 10561
- 741 — 10348

PROPOSED RULES:
- 207 — 9243
- 220 — 9243
- 221 — 9243
- 225 — 9044
- 330 — 8888
- 545 — 9496
- 582a — 10745
- 721 — 8952

13 CFR

- 107 — 8865
- 121 — 9104

PROPOSED RULES:
- 107 — 9349
- 121 — 10405

14 CFR

- 21 — 10658
- 39 — 8866, 9209, 9384, 9385, 9620, 9621, 9984, 10068, 10069, 10561, 10660, 10727

14 CFR—Continued

Page

45 ... 10658
61 ... 10727
63 ... 9758
71 ... 8944, 9022, 9104, 9105, 9210, 9461, 9621, 9622, 9985–9987, 10069, 10070, 10562–10565, 10661, 10731
73 ... 8867, 9462, 9622, 10731
75 ... 9022, 9386, 9462, 10731
91 ... 10435
95 ... 8944, 9023
97 ... 9209, 9462, 9987, 10731
121 ... 10727
202 ... 9314
208 ... 8947, 9315
214 ... 8948
287 ... 8948
288 ... 9758
302 ... 10070
374a ... 9386

PROPOSED RULES:

17 ... 9044
39 ... 10575
61 ... 9225
67 ... 9225
71 ... 9138, 9226, 9489–9495, 9637, 9675, 9676, 10005, 10077, 10078, 10388, 10576, 10577, 10673, 10744
73 ... 9495, 10078
75 ... 10744
77 ... 9405
91 ... 10005
93 ... 10673
121 ... 9225
127 ... 9225
183 ... 9225
221 ... 10389

15 CFR

30 ... 10435
373 ... 10722
379 ... 10722

PROPOSED RULES:

1000 ... 10380

16 CFR

13 ... 9107–9110, 10348–10351, 10435–10438
254 ... 9665
423 ... 9210

PROPOSED RULES:

118 ... 10516
300 ... 9498
301 ... 9498
303 ... 9498

17 CFR

230 ... 10071, 10499
231 ... 9988
239 ... 10071, 10499
240 ... 9390, 9391, 9668, 9989, 9990
241 ... 9988
249 ... 9391
270 ... 9989, 9990
271 ... 9988
274 ... 9990
276 ... 9988

PROPOSED RULES:

230 ... 10585
239 ... 10585
240 ... 10585
249 ... 9045
275 ... 10516

18 CFR

Page

250 ... 9559

PROPOSED RULES:

Ch. I ... 10086
2 ... 9347
157 ... 9497

19 CFR

1 ... 9210, 9559
10 ... 8867
12 ... 9560
14 ... 10439
16 ... 8948, 9316

PROPOSED RULES:

10 ... 9564
153 ... 9125

20 CFR

404 ... 10553
405 ... 10353, 10722
615 ... 9780
617 ... 9781

PROPOSED RULES:

405 ... 9674, 10733

21 CFR

121 ... 9023, 9211, 9316, 9317, 9463, 9669, 9762, 9991
125 ... 9763
130 ... 9464, 10358
131 ... 9023
135 ... 9391
135b ... 9391, 9991, 10358, 10662
135c ... 9391, 10358, 10662
135d ... 9764
135e ... 9211, 9669
135g ... 9317
141 ... 10662
141a ... 9317
146a ... 9317
146c ... 9317
146e ... 9317
148k ... 9991
148m ... 10662
148q ... 9992
149b ... 9392
149d ... 9320
191 ... 9623
308 ... 9545, 9992

PROPOSED RULES:

1 ... 9128
2 ... 9128
3 ... 10003
4 ... 9128
8 ... 9128
121 ... 9128, 10003
122 ... 10003
128 ... 10003
130 ... 9128
132 ... 10510
135 ... 9128
146 ... 9128
191 ... 9128
301 ... 10370
303 ... 10370
304 ... 10370
305 ... 10370
306 ... 10370
307 ... 10370
308 ... 10370
311 ... 10370
312 ... 10370
316 ... 10370

22 CFR

Page

41 ... 9023
1002 ... 9320

23 CFR

204 ... 9212, 9623

PROPOSED RULES:

204 ... 9227

24 CFR

3 ... 10358, 10360
200 ... 10363, 10665
201 ... 10665
242 ... 9111
275 ... 9902, 10074
390 ... 9320
420 ... 9320
490 ... 9320
491 ... 9320
700 ... 10665
1914 ... 9111, 9625, 9626, 10667
1915 ... 9113, 9626, 9627, 10668

PROPOSED RULES:

42 ... 10386
235 ... 9401
425 ... 10736

25 CFR

72 ... 10440
251 ... 9628

PROPOSED RULES:

197 ... 9674
221 ... 10507
231 ... 9038

26 CFR

142 ... 9764

PROPOSED RULES:

1 ... 9030, 9278, 9280, 9287, 9289, 9295, 9325, 9405, 9674, 10366, 10672
20 ... 9295
25 ... 9295

28 CFR

0 ... 9214, 9628

29 CFR

403 ... 10668
524 ... 9995
525 ... 9214
601 ... 8871
613 ... 8872
616 ... 8873
688 ... 8873
690 ... 8873, 10725
1601 ... 9214
1602 ... 9214
1912 ... 8873
1926 ... 9024

PROPOSED RULES:

5 ... 9043
460 ... 10385
520 ... 10003
570 ... 10003, 10672
1910 ... 9440
1926 ... 9440

30 CFR

75 ... 8949

PROPOSED RULES:

58 ... 9125
271 ... 8994
502 ... 10042

32 CFR

Page

163 ... 9629
207 ... 9669
211 ... 9457
733 ... 10499
1606 ... 9114
1608 ... 9114
1670 ... 9117
1690 ... 10070

PROPOSED RULES:

1626 ... 9566
1627 ... 9566
1632 ... 10086
1660 ... 9567
1661 ... 9566, 10405
1710 ... 9405

32A CFR

OEP (Ch. I):
DMO 9700.1 ... 10074
BDC (Ch. VI):
DMS Order 4 ... 10440

PROPOSED RULES:

Ch. X ... 10379
Ch. XI ... 9347, 10405

33 CFR

72 ... 10669
117 ... 8950, 10074
151 ... 10670
204 ... 9995
207 ... 9669

PROPOSED RULES:

117 ... 9404
180 ... 9783

36 CFR

311 ... 10565
326 ... 10565

PROPOSED RULES:

7 ... 10448

37 CFR

1 ... 9475
2 ... 9475

PROPOSED RULES:

1 ... 9225, 9488
2 ... 9488

38 CFR

2 ... 10441
3 ... 10441
17 ... 9773
21 ... 10441

PROPOSED RULES:

3 ... 10745
9 ... 10086

39 CFR

211 ... 10786
212 ... 10786
213 ... 10787
222 ... 10787
223 ... 10791
261 ... 9392

40 CFR

2 ... 9629
164 ... 9476
180 ... 9482, 9483, 9773, 9774, 10566, 10567, 10670

49 CFR—Continued

Page

PROPOSED RULES:

180 ... 9228, 9229, 9496, 10578

41 CFR

3–16 ... 10443
3–50 ... 10500
5A–1 ... 9105, 9996, 10443, 10725
5A–2 ... 8874, 9996, 10443
5A–7 ... 10444
5A–16 ... 9105, 9996, 10726
5A–72 ... 8875, 10444
5A–73 ... 8875, 10444
5A–76 ... 10726
14–4 ... 10445
14H–1 ... 10446
15–2 ... 10726
15–3 ... 10726
24–1 ... 9105
51–1 ... 9774
60–7 ... 8950
101–26 ... 8875
101–32 ... 8875, 8879, 10501
101–39 ... 9631
101–43 ... 8881, 9775
101–46 ... 8881

PROPOSED RULES:

3–1 ... 10507
3–4 ... 10509
3–30 ... 9043
29–60 ... 10450

42 CFR

51a ... 10780
56 ... 10646
91 ... 9188

PROPOSED RULES:

34 ... 10515
53 ... 9783
57 ... 8885

43 CFR

3120 ... 10364
3300 ... 10364
3520 ... 10364
3560 ... 10364

PUBLIC LAND ORDER:

5212 ... 10364

PROPOSED RULES:

1720 ... 10733
2820 ... 10379
4110 ... 10733
4120 ... 10733
4130 ... 10733

45 CFR

116 ... 9536
151 ... 9671
234 ... 9025
1015 ... 10727

PROPOSED RULES:

233 ... 10003
248 ... 10003

46 CFR

146 ... 9631
308 ... 10671

PROPOSED RULES:

30 ... 9404
31 ... 9404

46 CFR—Continued

Page

PROPOSED RULES—Continued

35 ... 9404
146 ... 10515
151 ... 9404
536 ... 10389

47 CFR

0 ... 8950
1 ... 9775
2 ... 8882, 9560, 9996, 9998
15 ... 9672
64 ... 9392
73 ... 9117, 9220, 9484, 9775, 9999, 10568, 10569
81 ... 9026
83 ... 9026
87 ... 8884
91 ... 9998, 10001, 10074
93 ... 9999

PROPOSED RULES:

21 ... 9229
25 ... 9229
73 ... 10006–10008, 10389, 10579, 10581–10583
74 ... 10389
76 ... 10583

49 CFR

1 ... 9321
172 ... 9632
173 ... 9221, 10504
393 ... 10727
571 ... 9222, 9322, 9394
1002 ... 9027
1005 ... 9027
1033 ... 8950, 9028, 9029, 9118, 9119, 9632, 9633, 9777, 9778, 10505
1050 ... 10505
1111 ... 9672
1115 ... 9119
1300 ... 9398, 9778, 10364
1303 ... 9398, 9778, 10364
1304 ... 9398, 9778, 10364
1306 ... 9398, 9778, 10364
1307 ... 9399, 9778, 10364
1308 ... 9399, 9778, 10364
1309 ... 9399, 9778, 10364
1325 ... 10446

PROPOSED RULES:

192 ... 10578
571 ... 9138, 10079, 10745
577 ... 9783
Ch. X ... 8952
1048 ... 8952
1060 ... 10746
1115 ... 9405
1124 ... 9044
1241 ... 9785
1322 ... 10516

50 CFR

16 ... 9223, 10365
17 ... 10075
28 ... 9110, 9323, 10002, 10447
32 ... 8950
33 ... 9110, 10502
240 ... 9399
250 ... 9400
261 ... 10502
276 ... 10502

PROPOSED RULES:

260 ... 9328

LIST OF FEDERAL REGISTER PAGES AND DATES—MAY

Pages	Date	Pages	Date	Pages	Date
8853–8929	May 2	9449–9538	May 11	10045–10329	May 19
8931–9002	3	9539–9599	12	10331–10419	20
9003–9093	4	9601–9658	13	10421–10488	23
9095–9191	5	9659–9747	16	10489–10546	24
9193–9303	6	9749–9973	17	10547–10649	25
9305–9375	9	9975–10044	18	10651–10701	26
9377–9448	10			10703–10792	27

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

Maternal and Child Health and Crippled Children's Services

Special Project Grants for Dental Health of Children

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

PART 51a—GRANTS FOR MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES

Special Project Grants for Dental Health of Children

In the FEDERAL REGISTER of December 28, 1971 (36 F.R. 25041), the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of the Department of Health, Education, and Welfare, proposed the redesignation of Part 51a as Subpart B of Part 51a, the reservation of Subpart A of Part 51a, and the addition of a new Subpart C, concerning special project grants for dental health of children, to Part 51a. Public comment was invited.

The only public comment that suggested a revision of the proposal was submitted by a national professional association which suggested that the proposed § 51a.305(a)(9) be amended to require that a project director be a licensed dentist. Such a requirement was considered by the Secretary before publication of the notice of proposed rule making and was not adopted for the following reasons: (1) Special projects for dental health of children may be established as part of the general comprehensive health services offered by an existing health department or family health center. To require an additional professional to serve as an administrator seems to be an inefficient use of our limited health manpower resources; and, (2) Based on his experiences in similar grant programs, the Secretary has determined that it may sometimes be advantageous to utilize managerial personnel in such positions, freeing needed health manpower for the provision of services.

The only change from the notice of proposed rule making reflected in the final Part 51a is found in § 51a.314, "Grantee Accountability." The changes reflect grant administration policy within the Department of Health, Education, and Welfare and are largely clarifying, rather than amendatory, in nature.

Therefore, having evaluated the comments received and all other relevant material, the proposed regulation, with changes, as set forth below, is hereby adopted effective on the date of publication in the FEDERAL REGISTER (5-27-72.)

Dated: May 7, 1972.

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

Approved: May 22, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. The Title of Part 51a of Title 42 is amended to read as set forth above:

2. The present Part 51a is redesignated as Subpart B of Part 51a, entitled "Special Project Grants for Family Planning Services," and the sections thereof (presently §§ 51a.1 through 51a.20) renumbered §§ 51a.201 through 51a.220, respectively.

3. Subpart A of Part 51a is reserved.

4. A new Subpart C of Part 51a is added, to read as follows:

Subpart C—Special Project Grants for Dental Health of Children

AUTHORITY: The provisions of this Subpart C issued under sec. 1102, 49 Stat. 647; 42 U.S.C. 1302; sec. 510, 81 Stat. 927; 42 U.S.C. 710.

Subpart C—Special Project Grants for Dental Health of Children

§ 51a.301 Applicability.

The regulations in this subpart are applicable to the award of grants under section 510 of the Social Security Act (42 U.S.C. 710) to promote the dental health of children and youth of school or preschool age, particularly in areas with concentrations of low income families.

§ 51a.302 Definitions.

As used in this subpart:

(a) "Act" means the Social Security Act, as amended.

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

(c) "State" means one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(d) "Nonprofit private agency, institution, or organization" means an agency, institution, or organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

§ 51a.303 Eligibility.

To be eligible for a grant under this subpart, an applicant must be (a) the State health agency of a State; (b) with the consent of such State agency, the health agency of any political subdivision of the State; or (c) any health oriented public or nonprofit private agency, institution, or organization which has the capability of providing dental care.

§ 51a.304 Application for a grant.

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

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

§ 51a.305 Project requirements.

An approvable application must contain each of the following:

(a) Assurances that;

(1) Services will be made available.

(i) Without the imposition of any durational residence requirement;

(ii) With respect for the dignity of the individual;

(iii) Without any requirement that there be a court commitment;

(iv) Without regard to religion, sex, or creed,

(2) In cases involving treatment, correction of defects or aftercare provided under the project, services will be made available only to children who would not otherwise receive such services because they are from low-income families or for other reasons beyond their control. In determining such eligibility the grantee shall consider the family's size and income, the medical diagnosis, the costs of required care and the family's other financial responsibilities.

(3) Under special circumstances, services will be made available to certain patients from outside a project area or age group designated in the approved project plan if the project director considers that it will best promote the purposes of the project and section 510 of the Act.

(4) In the case of hospital care or prostheses, services will be made available only to persons who are receiving services provided for or arranged by the project in accordance with its standards and policies.

(5) No charge will be made to any person for services under the project, except to the extent that payments will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charges. Where the cost of care and services furnished by or through the

[1] Applications and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.

project is to be reimbursed under Title XIX of the Social Security Act, a written agreement with the Title XIX agency is required. Reimbursement may be either to the project or, in lieu thereof, directly to the provider in accordance with the above referred to agreement.

(6) All services purchased for project patients will be authorized by the project director or his designee on the project staff.

(7) The reasonable cost of inpatient hospital care provided in connection with the conduct of the project will be paid in accordance with standards approved by the Secretary.

(8) Determination of eligibility for services under the project will be made by the project director or someone on the project staff designated by him, and shall be in accordance with the Act, and the policies and procedures promulgated thereunder and in accordance with the approved project.

(9) The project will be under the direction of a single project director, responsible for the overall direction of the project who shall be a full time employee of the project: *Provided*, That, the Secretary may in particular cases, approve the appointment of a director who is employed less than full time where the Secretary finds that such appointment is consistent with the purposes of the program.

(b) Provision for comprehensive dental care and services, including diagnosis, screening, preventive services, treatment, correction of defects, and aftercare. In determining whether comprehensive dental care and services will be provided the Secretary will consider, among other things, the following:

(1) Existing practices.

(2) Coordination and continuity of care and services, including active follow-up of cases.

(3) Procedures utilized to reach children in need of such services such as, publicity, provision of services at schools, community centers, and other places where concentrations of eligible children may be found.

(4) The degree of coordination with, and utilization of other State or local health, welfare, and education programs, as well as other federally supported health service programs.

(c) A description of the methods to be utilized by the grantee in establishing the rates of payment for dental care (which may include payments on a prepaid capitation basis) including speciality services, prostheses and appliances, and aftercare, and a substantiation of the fact that the rates are reasonable and necessary to maintain standards relating to the provision of services established pursuant to § 51a.-307. Grantees will enter into agreements with providers of services and will maintain a schedule of rates for such services.

(d) A description of the standards required for personnel and facilities utilized in the provision of services under the program. These standards for personnel and facilities must (1) be those which are found upon investigation by the grantee to be best adapted for the attainment of the specific purposes of the project, (2) assure a reasonably high standard of care, and (3) be in substantial accord with national standards as accepted by the Secretary or standards prescribed by the Secretary. However, if a project is planned for an area in which it is not possible to meet standards accepted or prescribed by the Secretary, the best available resources must be used, and steps must be taken to improve care. In such case, the application must include a description of such proposed remedial action.

§ 51a.306 Research.

In addition to the project requirements imposed by § 51a.305, an approvable project may include research looking toward the development of new methods of diagnosis or treatment, or demonstration of the utilization of dental personnel with various levels of training.

§ 51a.307 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to assist those project applications which will in his judgment best promote the purposes of section 510 of the Social Security Act, taking into account:

(1) The need for the services to be provided;

(2) The quality of the services offered;

(3) Procedures utilized to assure prompt thorough service;

(4) The degree to which the project plan adequately provides for the elements set forth in § 51a.305.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the proper performance of the project: *Provided, however*, That no grant shall be made for an amount equal to more than 75 percent of the cost of the project. In determining the grantee's share of project costs, costs for which Federal funds from other sources have been or may be claimed or received or costs used to match other Federal grants unless otherwise authorized by Federal statute, or costs to be met from the Federal share of grant related income (except as may be permitted by Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual [2]), may not be included.

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

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof, but this provision shall not preclude the Secretary from making upward adjustments to actual costs as to amounts awarded on a provisional basis. For continuation support, grantees must make separate application periodically at such times and in such form as the Secretary may direct.

§ 51a.308 Payments.

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

§ 51a.309 Use of project funds.

(a) Any funds granted pursuant to this subpart, as well as other funds to be used in the performance of the approved project shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this subpart, the terms and conditions of the award and cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual.[3]

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

(c) In the event that funds for the performance of the project are so inadequate as to require revision of the approved project plan or budget, such revision may (subject to the provisions of paragraph (a) of this section) curtail the geographic area serviced or similar factors but shall not curtail the comprehensiveness of health services furnished

§ 51a.310 Civil rights.

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

§ 51a.311 Confidentiality of information.

All information as to personal facts and circumstances obtained by the project staff shall be treated as privileged communications, shall be held confidoes not identify particular individuals.

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[2] Available for purchase at the Government Printing Office, GPO 894–523.

[3] *Provided, however*, That, with respect to grants awarded prior to July 1, 1972, funds may not be used for the payment of indirect costs.

dential, and shall not be divulged without the individual's consent except as may be necessary to provide services to the individual. Information may be disclosed in summary, statistical, or other form which

§ 51a.312 Inventions and discoveries.

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

§ 51a.313 Publications and copyright.

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

§ 51a.314 Grantee accountability.

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

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

(1) *Retention of equipment for other dental health projects.* Equipment may be used, without adjustment of accounts, on other grant-supported projects (whether or not federally supported) within the scope of section 510 of the Act, and no other accounting for such equipment shall be required: *Provided, however,* (i) that during such period of use no charge for depreciation, amortization or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if within the period of its useful life the equipment is transferred by sale or otherwise for use outside the scope of secton 510 of the Act, the Federal porton of the fair market value at the time of transfer shall be refunded to the Federal Government.

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

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

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

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

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

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

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

(i) Any amount not accounted for pursuant to paragraph (a) of this section.

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

(iii) Any credits for earned interest pursuant to paragraph (c) (2) and (3) of this section.

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

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

§ 51a.315 Records, reports, and inspection.

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

(b) *Inspection and audit.* Any application for a grant under this part shall constitute the consent of the applicant to inspection of the facilities, equipment and other resources of the applicant at reasonable times by persons designated by the Secretary and to interview with principal staff members to the extent that such resources and personnel are,

or will be, part of the project. In addition, the acceptance of any grant under this part shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 51a.316 Additional conditions.

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

§ 51a.317 Early termination and withholding of payments.

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

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PART III

POSTAL SERVICE

■

MODIFICATION OF REPORTING RELATIONSHIPS

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

MODIFICATION OF REPORTING RELATIONSHIPS

Regulations codified in Subchapter D of Title 39, Code of Federal Regulations, are amended to reflect changes in certain reporting relationships in the organization of the Postal Service. The prior statement of the organization was in the daily issue of October 6, 1971 (36 F.R. 19472). These changes were announced by the Postmaster General on April 13, 1972. Accordingly, Subchapter D is amended as hereinafter stated.

PART 211—GENERAL PRINCIPLES OF ORGANIZATION

In Part 211 make the following changes:

§ 211.5 [Deleted]

1. Delete § 211.5, *Executive Assistant to the Postmaster General.*

2. Amend § 211.7, *Groups and Departments,* to read as follows:

§ 211.7 **Groups and Departments.**

(a) Postal Service Headquarters is primarily divided into five groups—Support, Executive Functions, Employee and Labor Relations, Mail Processing, and Customer Services. Each group is headed by a Senior Assistant Postmaster General. The Senior Assistant Postmasters General for Support, Executive Functions, and Employee and Labor Relations report directly to the Postmaster General. The Senior Assistant Postmasters General for Mail Processing and Customer Services report to the Deputy Postmaster General. Senior Assistant Postmasters General are responsible for the following activities with respect to Postal Service activities within their assigned areas:

(1) Program planning, direction, and review;

(2) Establishment of policies, procedures, and standards; and

(3) Operational determinations not within the full jurisdiction of field officers.

(b) Each group is in turn divided into departments or offices headed by either Assistant Postmasters General or Directors who report to the Senior Assistant Postmaster General. The heads of these departments and offices are responsible for assisting their Senior Assistant Postmasters General in carrying out the activities assigned their groups.

(c) Certain other headquarters units report directly to the Postmaster General. These are the Law Department, headed by the General Counsel, and the Inspection Service, headed by the Assistant Postmaster General and Chief Postal Inspector (sometimes referred to in the regulations simply as Assistant Postmaster General, Inspection Service). Also reporting to the Postmaster General are the Assistant Postmasters General for Executive Administration and for Policy Matters. The Research Department reports directly to the Deputy Postmaster General.

(d) Statements of the functions of the various groups, departments, and offices can be found in Part 222 of this chapter.

3. Amend § 211.8 to read as follows:

§ 211.8 **Officers serve at pleasure of Postmaster General.**

The following officers of the Postal Service are appointed by the Postmaster General and serve at his pleasure: Senior Assistant Postmasters General, Regional Postmasters General, the General Counsel, Assistant Postmasters General, the Consumer Advocate, the Judicial Officer, and the Executive Assistants for Government Relations and Postal Affairs, the Controller and the Treasurer (who report to the Assistant Postmaster General, Finance Department). The number of Senior Assistant Postmasters General and Assistant Postmasters General is set by resolution of the Board of Governors.

4. In § 211.9 *Postal field service,* amend paragraph (a) to read as follows:

§ 211.9 **Postal field service.**

(a) *Postal Regions.* (1) There are five Postal Regions. Each region is headed by a Regional Postmaster General who reports to the Deputy Postmaster General and has overall responsibility for operational activities (except those reserved to Headquarters) of the Postal Service within his region.

(2) Each Regional Postmaster General's office includes four departments—Support, Employee and Labor Relations, Mail Processing, and Customer Services. Each regional department is headed by an Assistant Regional Postmaster General who reports to the Regional Postmaster General. While the Assistant Regional Postmasters General for Employee and Labor Relations report to the Regional Postmasters General for administrative purposes, they operate under the policy direction of the Senior Assistant Postmaster General for Employee and Labor Relations.

(3) In addition to the four departments, there is, within each Regional Postmaster General's office, a Regional Counsel, and an Office of Communications which is headed by a Director. The Regional Counsel and the Director, Communications, each report directly to the Regional Postmaster General.

5. In § 211.10(a) amend subparagraph (5) to read as set forth below and delete subparagraph (14) and redesignate subparagraph (15) as subparagraph (14); and add new subparagraph (15) to read as follows:

§ 211.10 **Conversion of terms.**

(a) * * *

* * * * *

(5) Assistant Postmaster General, Personnel Department shall be deemed to mean the Senior Assistant Postmaster General, Employee and Labor Relations;

* * * * *

(15) Senior Assistant Postmaster General, Support pertaining to employee or labor relations matters shall be deemed to mean the Senior Assistant Postmaster General, Employee and Labor Relations.

* * * * *

PART 212—DELEGATIONS OF AUTHORITY

In Part 212, make the following changes:

1. In § 212.1 *Authority for delegation,* amend paragraphs (e) and (i) to read as follows:

§ 212.1 **Authority for delegation.**

* * * * *

(e) The Assistant Postmasters General for Executive Administration and for Policy Matters, the Executive Assistant for Postal Affairs, the Senior Assistant Postmasters General, the General Counsel, the Assistant Postmaster General, Inspection Service, the Judicial Officer and the Assistant Postmaster General, Research Department, act for the Postmaster General on assigned matters. Each of these officers is authorized to exercise the powers and functions of the Postal Service under the Postal Reorganization Act, in respect to matters within the area of his responsibility, except as limited by law or by the specific terms of his assignment.

* * * * *

(i) Each head of a regional department, division, or branch is authorized to exercise the powers and functions of the Postal Service under the Postal Reorganization Act with respect to matters in his area of responsibility, except as such authority is reserved or rescinded by the Regional Postmaster General or, in the case of the Regional Employee and Labor Relations Department, the Senior Assistant Postmaster General for Employee and Labor Relations, or is limited by law, regulation, or the terms of his specific assignment.

* * * * *

2. Amend § 212.5 to read as follows:

§ 212.5 **Authority to approve personnel actions and administer oaths of office for employment.**

(a) *Delegation.* The following are authorized to effect appointments, administer oaths, and take other personnel actions:

(1) Senior Assistant Postmaster General, Employee and Labor Relations Group; Assistant Postmasters General, Employee and Labor Relations Departments;

(2) Assistant Postmaster General, Inspection Service;

(3) Regional Chief Inspectors;

(4) Inspectors-in-Charge;

(5) Regional Postmasters General;

(6) Heads of postal field installations including those reporting directly to specified departments in Headquarters or to Regional Postmasters General;

(7) Officials occupying personnel services positions PMS/PS–9 and above and PES positions when their positions include responsibility for functions such as recruitment, appointments, placement, position changes and separations, and related personnel processing.

(b) *Personnel actions for employees of "other installations."* As specifically authorized by either the Senior Assistant Postmaster General, Employee and Labor Relations Group, or a Regional Postmaster General, officers and employees listed in paragraph (a) of this section may approve personnel actions for employees in offices or installations other than their own as a cross-service, as a central personnel office, or on a special need basis.

PART 213—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

In Part 213 make the following changes:

1. In § 213.1 *Relationships,* amend paragraph (b) to read as follows:

§ 213.1 Relationships.

* * * * *

(b) *Between Headquarters, Postal Regions, and Postal Data Centers.* Each Headquarters group, department, and office shall provide guidance and policy interpretation to regional officials in its area of responsibility, except that the Employee and Labor Relations Group provides policy direction to the Assistant Regional Postmasters General for Employee and Labor Relations. The Support Group shall provide guidance and policy interpretation to Postal Data Centers.

* * * * *

2. In § 213.2(a), amend subparagraph (1) to read as set forth below and in subparagraph (4) change "Department of Communications and Public Affairs" to "Communications Department."

§ 213.2 Channels of communication.

(a) *Headquarters and Postal Region Offices.* (1) The heads of groups, departments, and offices formulate the necessary directives to provide guidance and, for Employee and Labor Relations, direction to regional officials.

* * * * *

PART 222—DEPARTMENTS

Part 222 is amended to read as follows:

Sec.
222.1 Support Group.
222.2 Executive Functions Group.
222.3 Employee and Labor Relations Group.
222.4 Mail Processing Group.
222.5 Customer Services Group.
222.6 Executive Administration.
222.7 Policy Matters.
222.8 Law Department.
222.9 Inspection Service.
222.10 Research Department.

AUTHORITY: The provisions of this Part 222 issued under 39 U.S.C. 203, 204, 401(2), 402, 403, 404, and 409.

§ 222.1 Support Group.

(a) Five activities that provide specialized support for postal activities are included in the Support Group headed by the Senior Assistant Postmaster General, Support Group, who reports to the Postmaster General.

(b) The Support Group is divided into three departments and two offices, corresponding to the five support activities. The heads of these departments and offices report to the Senior Assistant Postmaster General, Support Group. The Support Group departments and offices are:

(1) *Finance Department.* The Finance Department is headed by the Assistant Postmaster General, Finance. It is divided into the offices of the Controller and Treasurer and the Office of Rates and Classification. It is responsible for forecasting and meeting the Postal Service's requirements for long term capital and short term borrowing. It invests the funds of the Service and prescribes and monitors practices governing cash management. It works with other officials in developing credit management policies. The Finance Department designs and maintains the Postal Service rate structure, develops and administers standards and procedures relating to mail classification, cost analysis and attribution, and related functions, and makes and defends recommendations to the Postal Rate Commission in conjunction with the Law Department. The Finance Department develops the systems and specifies the standards and schedules for the Postal Service's budget process. It analyzes budget requests and makes recommendations to the Postmaster General on budget levels. It analyzes Postal Service performance with reference to operating plans continuously. The Finance Department develops accounting policy and procedures. It operates the financial reporting program and maintains accounting controls throughout the Service. It provides the basic processing services associated with the money order program and assists the Customer Services Group in developing money order program policy.

(2) *Administration Department.* The Administration Department is headed by the Assistant Postmaster General, Administration. It is responsible for the procurement activities of the Postal Service except mail transportation procurement. It has responsibility for the policy direction and review of all procurement activities within the Postal Service, except mail transportation procurement and for all Headquarters procurement except transportation contracting. It manages Headquarters operating services, including printing, library, telephone switchboard, and Headquarters building maintenance and repair. It controls and administers supplies and inventories for the entire Postal Service.

(3) *Management Information Systems Department.* The Management Information Systems Department is headed by the Assistant Postmasters General, Management Information Systems. It is concerned with automatic data processing, statistical programs, information requirements, and reports. It is responsible for the prompt delivery of information on field activities to postal management. It provides automatic data processing and statistical support to management and assists clients in determining their information needs. It specifies controls on use, modification, or implementation of information systems, including manual and automated systems and exercises those functions of control over information systems which are discharged centrally at Headquarters. It administers the Postal Data Centers and Automatic Data Processing Centers in the field.

(4) *Office of International Postal Affairs.* The Office of International Postal Affairs is headed by the Director of International Postal Affairs. It represents the U.S. Postal Service in its relationships with other countries and with international postal organizations, such as the Universal Postal Union and the Postal Union of the Americas and Spain. Working with other functional areas, it develops and recommends U.S. policy and positions on proposals of foreign governments submitted to postal congresses, prepares and recommends U.S. proposals, and negotiates postal agreements with other countries. It maintains liaison with other Government agencies, such as the State Department, on nonoperational international mail matters. It assigns international postal matters to functional areas for statements of policy or recommendations of policy, reports or correspondence, particularly in the areas of international rates and classification, international money orders, logistics and parcel post. It directs the foreign visitor programs; develops training programs for visiting postal study groups; maintains liaison with the Agency for International Development on the training of participants from other countries; and directs the international personnel exchange program. It is responsible for protocol in dealing with foreign visitors and for translations of foreign materials.

(5) *Office of Management Services.* The Office of Management Services is headed by the Director of Management Services. It serves as the principal advisor and central analytical staff on organization matters and the evaluation and design of management systems and services. It plans and conducts servicewide studies of organization and management systems; it recommends changes to correct identified management deficiences and designs and installs improved management systems and methods. It designs and administers a servicewide directives and publications distribution program and conducts special systems studies as directed. It is responsible for the development and operation of a servicewide management improvement program and maintains liaison with other Federal agencies and private industry with regard to advanced management techniques.

§ 222.2 Executive Functions Group.

(a) Five operations that are responsible for performing executive management functions are included in the Executive Functions Group headed by the Senior Assistant Postmaster General,

Executive Functions, who reports to the Postmaster General.

(b) The Executive Functions Group is divided into five departments. The heads of these departments report to the Senior Assistant Postmaster General, Executive Functions. The Executive Functions Group departments are:

(1) *Communications Department.* The Communications Department is headed by the Assistant Postmaster General, Communications. It is responsible for the interchange of information with employees and the public and for assuring that all information disseminated is consistent with management policies and practices. This includes responsibility for all advertising activities, research relating to the implementation and effectiveness of advertising programs, and those design activities that relate to Postal Service visual appearance identification. It is responsible for all phases of the philatelic program and serves as liaison with the Citizens Stamp Advisory Committee.

(2) *Government Relations Department.* The Government Relations Department is headed by the Executive Assistant, Government Relations. It is responsible for cooperation between the U.S. Postal Service and Members of Congress, other Federal agencies within the executive branch, the White House, and other officials at all levels of State and local government. It advises Postal Service officials on legislative and other policy matters in public areas involving congressional committees or individual Congressmen. It maintains liaison with Members of Congress and their staffs for the purpose of consulting and providing information as requested on specific legislation and on Postal Service policies and operations, and (except for the Law Department, as to matters within its responsibility) is the Postal Service's spokesman in this regard.

(3) *Consumer Affairs Department.* The Consumer Affairs Department is headed by the Consumer Advocate. The Consumer Advocate is the spokesman for the individual mail user. He provides an independent evaluation of mail service to the individual customer. He also expedites action on customer inquiries and complaints and is responsible for seeing that the responsible office takes corrective action. He makes recommendations for policy changes to improve the individual user's mail service and acts as liaison with consumer groups.

(4) *Planning Department.* The Planning Department is headed by the Assistant Postmaster General, Planning. It is responsible for business planning and strategic studies. It has the principal responsibility for insuring that comprehensive and effective plans are developed. This includes: Assisting top management in developing goals and objectives; assuring that supporting plans are developed to meet approved objectives; and measuring progress in the attainment of approved plans and objectives. It is also responsible for identifying alternative business and for conducting studies on which to base recommendations.

(5) *Judicial Officer.* (i) The Judicial Officer is an independent officer, administratively located within the Executive Functions Group, who performs quasi-judicial and other functions. He administratively supervises hearing examiners and hears appeals from their decisions. He serves with them on the Board of Contract Appeals, of which he is ex officio Chairman.

(ii) The Judicial Officer has authority to:

(*a*) Execute in his own name the final decision and order in proceedings authorized by section 1717 of title 18, and by sections 3001(a), 3003, 3004, 3005, and 3007 of title 39, United States Code, appeals from administrative denial, suspension or revocation of second-class mail permits, administrative proposals to refuse to rent, to renew the rental of, or to close a post office box and other proceedings authorized by Postal Service regulations to be brought before the Hearing Examiner or the Judicial Officer;

(*b*) Modify, suspend, or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority, and duties vested in the Postmaster General and the Postal Service with respect to the matters covered by subparagraph (1) of this paragraph;

(*c*) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or are provided in rules of practice, and issue a tentative decision in such cases;

(*d*) Revise or amend the rules governing eligibility to practice before the Postal Service and to revise or amend the Postal Service rules of practice governing proceedings conducted under the Administrative Procedure Act (5 U.S.C. chapters 5 and 7) and in other proceedings in which the Judicial Officer is authorized to execute a final decision and order;

(*e*) Name and delegate authority to an Acting Judicial Officer;

(*f*) Exercise jurisdiction over the Hearing Examiner for administrative purposes only, but not to direct or participate in the initial decision of Hearing Examiners in any proceeding;

(*g*) Exercise such other authority as may be delegated to him.

(iii) Decisions and orders of the Judicial Officer made under the delegated authority shall be the final Postal Service decisions and orders except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision. The Judicial Officer does not determine the constitutionality of statutes nor the validity of Postal Service regulations. The Law Department and the Postal Inspection Service do not participate in or advise as to the decisions of the Judicial Officer in any proceeding.

(iv) Hearing examiners: (*a*) Hearing examiners are appointed and qualified as prescribed by law (5 U.S.C. 3105). They preside at administrative hearings involving alleged violations of postal laws or conflicts arising over second-class mail permits and other proceedings as provided by Postal Service regulations.

(*b*) Initial decisions prepared by hearing examiners become final Postal Service decisions unless an appeal is taken to the Judicial Officer. Hearing examiners do not determine the constitutionality of statutes nor the validity of Postal Service regulations.

(*c*) The hearing examiners are under the jurisdiction of the Judicial Officer for administrative purposes only, in the same manner as are hearing examiners assigned to independent regulatory commissions.

(v) Board of Contract Appeals: (*a*) The Board of Contract Appeals is the authorized representative of the Postmaster General to hear and decide appeals from decisions of contracting officers when and to the extent such appeals are expressly authorized by the terms of any contract to which the Postal Service of the United States is a party. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Postal Service.

(*b*) The Board of Contract Appeals for the Postal Service is composed of the Judicial Officer, who is the permanent chairman; the Chief Hearing Examiner, who shall be a permanent member; and one of the Hearing Examiners of the Postal Service, appointed pursuant to the provisions of 5 U.S.C. 3105, and designated by the Judicial Officer on an acting basis.

§ 222.3 Employee and Labor Relations Group.

(a) The Employee and Labor Relations Group is headed by the Senior Assistant Postmaster General, Employee and Labor Relations, who reports to the Postmaster General. It provides direction and authority for all matters pertaining to employee relations throughout the Postal Service. It directs the development, implementation, and auditing of employee relations plans, policies, standards, and procedures. It establishes broad employee relations policy for the Postal Service in the areas of labor relations, employee services, and manpower planning and development. It represents and takes final action for the Postmaster General in all employee relations matters including negotiating for the Postal Service in collective bargaining with the postal unions. It directs the administration of collective bargaining agreements and negotiated grievance procedures. It directs the implementation of the National Labor Relations Act and applicable executive orders and directives pertinent to employee relations matters. It directs the development and maintenance of a strong auditing system for assuring compliance with established employees relations policy throughout the Postal Service. It directs an organization and manpower planning program to serve each postal unit in establishing the proper "table or organization" and to improve the operating ef-

fectiveness of these units through management and career development, skills training, and professional development. In this connection, it organizes and manages field training and management development installations. It establishes and maintains a manpower information system to provide accurate data in manpower planning, staffing, and other employee relations matters. It directs the administration of all employee services throughout the Postal Service which includes wage and salary administration and benefits, recruiting and staffing, personnel services, accident prevention, and occupational health services. It directs an employee communications program in conjunction with the Communications Department to keep the employees informed of plans, programs, and newsworthy items of interest to a well-informed postal worker. It is responsible for the day-to-day implementation of equal employment opportunity affirmative action within the Postal Service, working in coordination with the Office of Equal Employment Compliances. It supervises employee relations research activities to establish or change personnel programs or procedures or to evaluate their effectiveness.

(b) As head of the Employee and Labor Relations Group, the Senior Assistant Postmaster General, Employee and Labor Relations, is responsible for the initiation, development, implementation, direction, administration and execution of all matters pertaining to employee and labor relations throughout the U.S. Postal Service.

(c) The Employee and Labor Relations Group is divided into two departments and three offices whose heads report to and are responsible for compliance with the directives and assignments of the Senior Assistant Postmaster General, Employee and Labor Relations Group:

(1) *Employee Relations Department.* The Employee Relations Department is headed by the Assistant Postmaster General for Employee Relations. It provides, in accordance with the opening sentence of this paragraph, direction and authority for all matters pertaining to employee relations throughout the Postal Service. Generally it is concerned with matters and employees not covered by collective bargaining agreements.

(2) *Labor Relations Department.* The Labor Relations Department is headed by the Assistant Postmaster General for Labor Relations. It provides, in accordance with the opening sentence of this paragraph, direction and authority for all matters pertaining to labor relations throughout the Postal Service. Generally it is concerned with matters involved in the negotiation and implementation of collective bargaining agreements.

(3) *Office of Job Evaluation.* The Office of Job Evaluation is headed by the Director of Job Evaluation. It provides, in accordance with the opening sentence of this paragraph, direction and authority for all matters pertaining to job evaluation throughout the Postal Service.

(4) *Office of Headquarters Personnel.* The Office of Headquarters Personnel is headed by the Director of Headquarters Personnel. It provides, in accordance with the opening sentence of this paragraph, direction and authority for all matters pertaining to Headquarters personnel functions.

(5) *Office of Equal Employment Compliance.* The Office of Equal Employment Compliance is headed by the Director of Equal Employment Compliance. It provides, in accordance with the opening sentence of this paragraph, for and assures compliance with Executive Order 11478 as amended, dealing with equal employment opportunity, and with the Federal programs pursuant to Executive Order 11246, as amended, dealing with contract compliance.

§ 222.4 Mail Processing Group.

(a) The Mail Processing Group is headed by the Senior Assistant Postmaster General, Mail Processing, who reports to the Deputy Postmaster General. It has overall responsibility for all aspects of mail processing within the Postal Service. This responsibility includes the distribution and processing functions, the construction and mechanization of the processing facilities, and the transportation of mail throughout the Postal Service. It establishes and evaluates mail processing policies. It has responsibility for the operation of the bulk mail program and network and transportation between the bulk mail facilities. Also, it has responsibility for real estate transactions and for coordination of the use of the Corps of Engineers in constructing all major postal facilities. This includes internal capability for design and construction of major modifications or additions to existing facilities. It has responsibility for acquisition of land or interests in land by condemnation or otherwise. It is responsible for insuring the achievement of service standards on a consistent basis.

(b) The Senior Assistant Postmaster General, Mail Processing, participates in the planning and budget process and reviews and evaluates the mail processing, transportation, and construction portions of the plans and budget requests of each Region. He monitors for the Deputy Postmaster General the performance of the Mail Processing Department of each Region.

(c) The Mail Processing Group is divided into three departments whose heads report to the Senior Assistant Postmaster General, Mail Processing Group:

(1) *Preferential Mail Processing Department.* The Preferential Mail Processing Department is headed by the Assistant Postmaster General, Preferential Mail Processing. It is concerned with processing of preferential mail and has overall responsibility for the development of the preferential mail network. It is responsible for the systems and equipment development work required to develop and implement the preferential mail network. It is also responsible for the development of methods and standards, and distribution systems to be used in the system. It is responsible for review and evaluation of the preferential mail processing budget.

(2) *Bulk Mail Processing Department.* The Bulk Mail Processing Department is headed by the Assistant Postmaster General, Bulk Mail Processing. It is concerned with the processing of bulk mail. It has overall responsibility for the management of bulk mail processing operations throughout the Postal Service. It provides central staff support to Regional Postmasters General for bulk mail operations and has staff capability in the areas of systems, equipment and facility engineering; distribution procedures and mail handling; industrial engineering, plant and equipment maintenance and performance appraisal. It also has responsibility for monitoring the productivity performance of the bulk mail processing operations of the Regions. In addition, it has direct responsibility for bulk mail installations as assigned by the Deputy Postmaster General. In this regard, it exercises direct supervision over and is responsible for review and evaluation of the individual bulk mail facility plans and budgets.

(3) *Engineering and Logistics Department.* The Engineering and Logistics Department is headed by the Assistant Postmaster General, Engineering and Logistics. It has overall responsibility for the policy direction of all transportation procurement activities within the Postal Service. It also is responsible for all transportation operations to foreign countries and to and between military installations outside the United States, and is responsible for all types of engineering necessary to support present mail processing operations. It plans and develops a national transportation and routing system and monitors performance of each region with respect to achievement of transportation and processing standards and productivity goals. It is also responsible for budget review and approval for all mail processing and transportation activities not designated as part of the preferential or the bulk mail networks.

§ 222.5 Customer Services Group.

(a) The Customer Services Group is headed by the Senior Assistant Postmaster General, Customer Services, who reports to the Deputy Postmaster General. It has overall responsibility for all of the marketing and customer contact activities of the Postal Service, including retail and delivery services. It carries out all of the product management functions, including the development and implementation of marketing programs, market research and product development. It has program planning and field support responsibilities for customer cooperation activities. This includes programs for both the general public and major customers. It also has management responsibilties for merchandising, delivery, and collection programs and provides staff direction to the window clerk and carrier forces. Other responsibilities include the design of postal lobbies, developing new forms of window and delivery services, lobby equipment

and improving present work methods in these areas. The group also evaluates service levels.

(b) The Senior Assistant Postmaster General, Customer Services, participates in the planning and budget process, and reviews and evaluates the product management, sales, retail and delivery portions of the plans and budget requests of each region. He monitors for the Deputy Postmaster General the performance of the Customer Services Department of each region.

(c) The Customer Services Group is divided into three departments whose heads report to the Senior Assistant Postmaster General, Customer Services Group:

(1) *Product Management Department.* The Product Management Department is headed by the Assistant Postmaster General, Product Management. It has responsibility for developing new postal products, modifying current ones, and executing marketing programs for all products. It defines customer service policies and other product characteristics, works with the Finance Department to develop pricing recommendations for each postal product, and directs the work of product managers who have broad responsibility for the day-to-day business of each product. This includes:

(i) Setting sales volume objectives and monitoring performance against these objectives in conjunction with the Headquarters and field sales forces;

(ii) Establishing, in conjunction with the Communications Department, product marketing plans, including the formulation of advertising and promotion strategies, programs and budgets;

(iii) Developing advertising, in concert with the Communications Department;

(iv) Monitoring product profit and loss and recommending areas for improvement.

To assist in establishing marketing programs, it supervises a market research function which carries out (or obtains from contractors) market studies to measure customer reaction to present and proposed postal products and product concepts. It also maintains a product development staff responsible for revising current products and developing new ones, and directs the work of product promotion.

(2) *Customer Development Department.* The Customer Development Department is headed by the Assistant Postmaster General, Customer Development. It is responsible for developing customer cooperation programs for mail users, developing program objectives, and setting cost savings targets for programs directed at large postal customers, such as presort and mail early. It provides staff guidance for regional services and sales staffs and customers service representatives in the field through sales methods, presentation kits, prototype sales letters, computerized ZIP code lists, and other support materials directed at large mailers. In conjunction with the Employees and Labor Relations Group, it develops and carries out sales training programs for both the regional direct sales forces and the customer service representatives in the field. It directs the work of a small direct sales force in Washington which sells postal services to businesses and other Government agencies, coordinating this effort with the field sales force. In conjunction with the Communications Department, it develops and executes a comprehensive program of cooperation from the general public; develops cost savings objectives; establishes promotional budgets; and secures advertising for such programs as ZIP code and Christmas mail early. It develops educational and promotional support materials such as ZIP code manuals. It is responsible for the National Postal Forum and activities of the Postmaster General's Mailers Technical Advisory Committee. It maintains the principal marketing and sales contact with associations and industry officials at the national level necessary to support marketing and sales objectives. It has broad responsibility for all the Postal Service's window operations, retail requirements, contract stations, self-service and automated postal units, and merchandising. It establishes policies relating to the use of the Postal Service retail network and has overall budget review and program planning responsibility. It determines what products and services, in addition to postal products, will be offered to the public through the system. It develops national retail merchandising and promotion programs, lobby exhibits and graphic design for lobbies, and directs the national program for lobby design and customer counter services. It is responsible for overall post office lobby design and for customer support equipment, and in conjunction with the Research Department, for developing such alternatives to traditional window service as self-service units, and all retail locations outside traditional post office lobbies. It develops and tests new and improved vending equipment. In conjunction with the Employee and Labor Relations Group, it develops training programs and designs uniforms for window service personnel and develops policies relating to stock supply and credits.

(3) *Delivery Services Department.* The Delivery Service Department is headed by the Assistant Postmaster General, Delivery Services. It has overall responsibility for the national postal collection and delivery program including fleet management. It works with the Product Management Department to set national collection and delivery policy and standards as they relate to published product characteristics. It establishes policy and develops programs for using the postal delivery system. It has national program planning and budget responsibility, and conducts cost benefit analyses of the entire postal delivery program, recommending potential areas for cost reductions and improvement. It has overall staff responsibility for all postal carriers. In conjunction with the Employee and Labor Relations Group, it develops training programs with respect to carriers and specifies uniform and mailbag design. It works in cooperation with the Research Department to develop safety equipment such as shoes and boots. It is responsible for the design of and experimentation with carrier vehicles and for specifying and compiling vehicle requirements. As part of its program management efforts, it is responsible for developing, testing, and implementing alternate means of delivery and for establishing improved work methods and designs relating to present delivery techniques. To accomplish these two functions, it directs developmental and industrial engineering staffs which develop and evaluate prototype equipment and originate improved delivery techniques or monitor contracts for these services.

§ 222.6 Executive Administration.

The Assistant Postmaster General for Executive Administration provides full administrative support to the Postmaster General and the Board of Governors; he directs the Postmaster General's office staff; he performs special projects as directed by the Postmaster General and he is a key advisor to the Postmaster General on major policy issues. He reports directly to the Postmaster General. The Executive Assistant for Postal Affairs serves as a Senior Staff Advisor to the Postmaster General, specializing in relationships with supervisory and management employee organizations and performing other duties as assigned.

§ 222.7 Policy matters.

The Assistant Postmaster General for Policy Matters acts as a senior policy advisor to the Postmaster General on major matters of paramount concern. He performs such special functions as directed by the Postmaster General. He reports directly to the Postmaster General.

§ 222.8 Law Department.

(a) The Law Department is headed by the General Counsel, who reports directly to the Postmaster General.

(b) The Law Department:

(1) Serves as legal advisor to the Postmaster General, the Deputy Postmaster General, and the entire Postal Service; this includes making rulings, giving advisory opinions, drafting or approving legal instruments, and representing the Service in administrative proceedings and in judicial proceedings as authorized;

(2) Interprets laws in relation to the Postal Service;

(3) Institutes and maintains administrative proceedings in the consumer protection area;

(4) Prepares the legislative program of the Postal Service, and prepares and submits reports and testimony on all legislation introduced in Congress that would affect the Postal Service;

(5) Is responsible for publication of regulations in the FEDERAL REGISTER;

(6) Manages the regional and field programs that are under the jurisdiction of the General Counsel and operates directly the field program in the area of labor relations law;

(7) Administers activities under the Tort Claims Act, and other personal injury and physical loss claims;

(8) Maintains liaison with other elements of the Government on legal matters and determines questions concerning legal relations between the Postal Service and Government agencies;

(9) Renders legal services concerning labor relations and standards, employment policy, and personal security;

(10) Furnishes legal support in connection with all procurement and contracting activities;

(11) Performs legal services in connection with proceedings before the Postal Rate Commission;

(12) Acts as agent for the receipt of legal process on behalf of the Postal Service and the Postmaster General and other Headquarters officials resulting from the performance of their official functions;

(13) Provides legal services in connection with denials and revocations of second-class mailing privileges in proceedings before hearing examiners and the Judicial Officer;

(14) Represents Postal Service Contracting Officers before the Board of Contract Appeals;

(15) Administers the Ethical Conduct Program; and

(16) Interprets postal treaties and conventions.

§ 222.9 Inspection Service.

The Inspection Service is headed by the Assistant Postmaster General and Chief Postal Inspector, who reports directly to the Postmaster General. The Inspection Service is responsible for protection of the mails, enforcement of postal laws, plant and personnel security, postal inspection, and internal audits. The Inspection Service, in accordance with applicable policies, regulations, and procedures, carries out investigations and presents evidence to the Department of Justice and U.S. attorneys in investigations of a criminal nature. It also undertakes operating inspections and audits for the Postal Service. The Assistant Postmaster General and Chief Postal Inspector acts as security officer and defense coordinator for the Postal Establishment, maintaining liaison with other investigative and law enforcement agencies of the Government.

§ 222.10 Research Department.

The Research Department is headed by the Assistant Postmaster General, Research, who reports directly to the Deputy Postmaster General. It is concerned with development of new techniques and has overall responsibility for the research and advanced development work done by the Postal Service. It is responsible for keeping abreast of and evaluating state-of-the-art concepts for application to Postal Service requirements, and for maintaining contact with top level representatives of industry, education, appropriate Government agencies, and foreign postal services to obtain new concepts, ideas, and approaches related to postal research and development. It conducts original research to develop and evaluate state-of-the-art concepts and approaches to mechanization and methods for collection, processing, transportation, and delivery of mail. It is also responsible for design and development of new equipment based on state-of-the-art technology. It operates the Postal Laboratory, conducting all phases of research up to and including simulated live-mail testing environment.

PART 223—POSTAL REGIONS

In Part 223 make the following changes:

1. In § 223.2 *Regional Postmasters General,* amend paragraph (b)(1) to read as follows:

§ 223.2 Regional Postmasters General.

* * * * *

(b) * * *

(1) Appointment, promotion, transfer, discipline, and dismissal or other separation of Postal Service personnel within his region under guidelines and directives issued by Headquarters and consistent with the authority of the Senior Assistant Postmaster General, Employee and Labor Relations Group, as described elsewhere in these regulations;

* * * * *

§ 223.4 [Amended]

2. In § 223.4 *Regional Customer Services Department,* under paragraph (b)(2), change "works with Headquarters Support Group, the Employee Relations Division," to read: "works with Headquarters Employee and Labor Relations Group, the Employee and Labor Relations Department,".

3. Amend § 223.5 to read as follows:

§ 223.5 Regional Support Department.

(a) The Regional Support Department is headed by the Assistant Regional Postmaster General, Support. It is within guidelines and directives from Headquarters, responsible for managing and directing the financial and administrative functions at the regional level; and developing budgets to support its activities. It also provides liaison between Headquarters support personnel and support personnel at postal facilities.

(b) Within the Regional Support Department there are two divisions whose heads report to the Assistant Regional Postmaster General, Support, as follows:

(1) *Administration Division.* The Administration Division is headed by the Director, Administration. It has responsibility for providing central administrative support for procurement and distribution of supplies and equipment. In carrying out its responsibilities it organizes and plans procurement of supplies and equipment for regional office and regional field activities; budgets and negotiates contracts for local procurements and arranges for storage and distribution as required; arranges local distribution of postal equipment and accountable paper which has been procured centrally by Headquarters; maintains inventory controls of supplies and equipment held in storage; maintains records of accountable property for regional headquarters offices; provides office services (supplies, printing, space) for the regional office; and provides personnel services for the regional office.

(2) *Controller.* The Controller is responsible for providing accounting services, budget services, and mail classification services to management and to field organizations; providing financial and nonfinancial analysis services to management and to field organizations, and developing and maintaining management information systems for the regional staff. In carrying out these activities the Controller and his staff provide regional accounting services including operation of the accounting systems and administration of the payroll; provide regional budget services, including preparation and issuance of budget calls, and development of regional budgets; coordinate approval of financial operating plans; administer and control approved financial plans by issuing budget and manpower authorization notices to metropolitan area managers, metropolitan center managers and district managers; monitor and interpret regulations regarding the admissibility and classification of mail, insuring that proper postage is collected and providing assistance and advice to the field in this respect; provide field services for the maintenance of ongoing and proposed information systems; assist regional staff and field organizations in identifying and obtaining information requirements; perform financial and nonfinancial analytical services; and provide regional staff with financial and performance evaluations.

(4) Redesignate §§ 223.6, 223.7, 223.8, and 223.9 as §§ 223.7, 223.8, 223.9, and 223.10, respectively; and insert new § 223.6, to read as follows:

§ 223.6 Regional Employee and Labor Relations Department.

(a) The Regional Employee and Labor Relations Department is headed by the Assistant Regional Postmaster General, Employee and Labor Relations. It is responsible for providing direction in matters pertaining to employee relations within the region in accordance with policies and goals established by the Senior Assistant Postmaster General, Employee and Labor Relations, and with legal and regulatory requirements; directing the implementation and auditing of employee relations plans, policies, standards, and procedures within the region, acting through metropolitan center, metropolitan area, and district offices. In carrying out these responsibilities, it provides policy direction in employee relations matters throughout the region within the framework of policies determined at the Headquarters level; provides direction, advice, counsel, and assistance through metropolitan center, metropolitan area, and district offices to all post offices and installations within the region for labor relations, manpower development, and employee services, including wage and salary administration, fringe benefits, personnel environment, personnel information, accident prevention, and health services; directs implementation of applicable executive orders pertaining to equal employment compliance within the region as prescribed by

national policies; directs implementation of plans, policies, and procedures in metropolitan area, metropolitan center, and district offices; maintains a system to assure compliance with the established Postal Service employee relations standards as applicable within the region; implements requirements for contract administration and grievance administration; and maintains effective communication with Postal Services employees in the region, through metropolitan center, metropolitan area, and district offices, on all matters pertaining to employee relations.

(b) Within the Regional Employee and Labor Relations Department, there is an Office of Equal Employment Compliance which is headed by the Director of Equal Employment Compliance, who reports to the Assistant Regional Postmaster General, Employee and Labor Relations. In accordance with and subject to directives and assignments of the Assistant Regional Postmaster General, Employee and Labor Relations, it provides for and assures compliance with Executive Order 11478 as amended, relating to equal employment opportunity, and with the Federal program pursuant to Executive Order 11246, as amended, relating to contract compliance.

§ 223.7 [Amended]

5. In § 223.7 *Regional Office of Communications and Public Affairs* (as redesignated above), make the following changes:

a. Change the caption of the section to read: "Regional Office of Communications."

b. Strike out "and Public Affairs" in both places where it appears in the text.

6. In § 223.10 *Conversion of terms* (as redesignated above), amend paragraph (a) (2) to read as follows:

§ 223.10 Conversion of terms.

(a) * * *

(2) Director, Personnel Division, shall be deemed to mean the Assistant Regional Postmaster General, Employee and Labor Relations;

* * * * *

(39 U.S.C. 201–204, 206, 401–404, 409)

ROGER P. CRAIG,
Deputy General Counsel.

MAY 25, 1972.

[FR Doc.72-8094 Filed 5-26-72;8:49 am]

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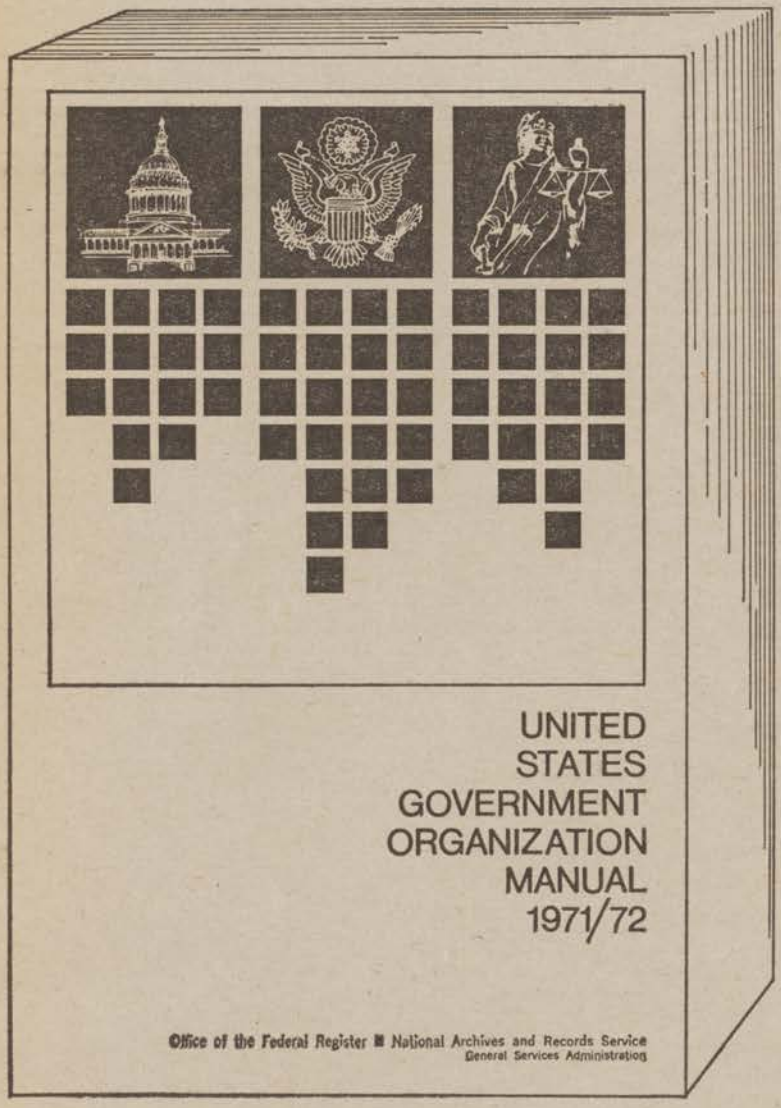

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