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### Rules and Regulations

#### Title 6—ECONOMIC STABILIZATION

**Chapter IV—Internal Revenue Service**

**PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS**

**Authority To Practice and To Appear Before Internal Revenue Service**

The purpose of these amendments is to broaden the classes of persons, now limited to attorneys and certified public accountants, who may appear before the Internal Revenue Service on economic stabilization matters. Under these amendments any natural person age 21 years or older who files a power of attorney and declaration may appear before the Service on economic stabilization matters. These amendments are made as a result of policy decisions recently adopted by the Cost of Living Council, Pay Board, and Price Commission. It remains the position of the Internal Revenue Service, that only attorneys, certified public accountants, and enrolled agents are allowed to practice and represent the public in tax matters before the Service. The amendments are set forth below:

### § 401.1 [Amended]

**Paragraph 1. Section 401.1 is amended by deleting the definitions for “Attorney” and “Certified public accountant.”**

**Paragraph 2. Section 401.101 is amended by revising paragraph (c) to read as follows:**

### § 401.101 Instructions to applicants.

**(c) A request by or for an applicant must be signed by the applicant or his authorized representative. If the request is signed by a representative of the applicant, or if the representative is to appear before the Internal Revenue Service, including the Office of the Chief Counsel, in connection with the request, he must be a person who complies with the appearance requirements of Subpart H of this part. Such representative must not be under disbarment or suspension from practice before the Internal Revenue Service. Such designation shall be made on Form S-68, Power of Attorney, and signed by the person legally authorized to so designate and shall be filed with the appropriate office of the Internal Revenue Service, including the Office of Chief Counsel, before which the appearance is to be made.**

### § 401.702 Disciplinary actions.

Persons appearing before the Internal Revenue Service, including the Office of Chief Counsel, on economic stabilization matters will be subject to such rules regarding standards of conduct as the Secretary of the Treasury shall prescribe. The Secretary may after due notice and opportunity for hearing suspend or disbar any person from further appearance before the Service on economic stabilization matters for disreputable conduct as defined in Treasury Department Circular No. 230 (31 CFR Part 10).

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


JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

**Lee H. Henkel,**
(Acting) Chief Counsel for the Internal Revenue Service.

[FR Doc.77-8807 Filed 6-9-72;8:48 am]

### PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

**Subpenas and Oath**

On May 3, 1972, notice of proposed rule making with respect to the amendment of the Internal Revenue Service Procedural Rules relating to Economic Stabilization Matters (6 CFR Part 401) to establish procedures for the issuance of subpenas and the administration of oaths pursuant to section 206 of the Economic Stabilization Act of 1970, as amended (85 Stat. 747), as to designate those officers and employees of the Internal Revenue Service who may issue such subpenas and administer such oaths on economic stabilization matters (6 CFR Part 401) are amended by adding a new Subpart L which reads as follows:

**Subpart L—Issuance of Subpenas and Administration of Oaths**

- Sec. 401.101 Authority to issue subpenas.
- 401.102 Service of subpenas.
- 401.103 Appearance of the person subpoenaed.
- 401.104 Enforcement of subpenas.
- 401.105 Authority to administer oaths.


**Subpart L—Issuance of Subpenas and Administration of Oaths**

- § 401.1011 Authority to issue subpenas.
- (a) In general. For the purpose of determining whether there has been compliance with the provisions of the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799), as amended, any authorized officer or employee of the Internal Revenue Service may examine any books, papers, records, or other data of any person described in paragraph (b) (1), (2), (3), or (4) of this section which may be relevant or material to such inquiry and take from such person, under oath, testimony which may be relevant or material to such inquiry.
- (b) Subpenas. For the purpose described in paragraph (a) of this section,
the officers and employees of the Internal Revenue Service designated in paragraph (c) of this section, are authorized to summon—

(1) Any person or persons chargeable with compliance with the President's Economic Stabilization Program;

(2) Any officer or employee of such a person;

(3) Any person having possession, custody, or care of books of account, papers, records, or other data relating to the business or affairs of such a person; or

(4) Any other person deemed proper, including (but not limited to) officials and employees of any employee's union (or its bargaining agent) or of any professional or trade association, to appear before a designated officer or employee of the Internal Revenue Service at a time and place named in the subpoena and to produce such books, records, or other data, and to give such testimony, under oath, as may be relevant and material to such inquiry. The officers and employees designated in paragraph (c) of this section may designate any other employee of the Internal Revenue Service as the individual before whom a person subpoenaed, pursuant to section 206 of the Act, shall appear. Any such employee, when so designated in a subpoena, is authorized to take under oath the testimony of the person subpoenaed and to receive and examine books, papers, records, and other data produced in compliance with a subpoena.

§ 401.103 Appearance of the person subpoenaed.

The time and place of examination stated in a subpoena issued pursuant to § 401.1011 shall be such as are reasonable under the circumstances. However, the date fixed for the appearance of the person subpoenaed and the production of any books, papers, records, or other data under subpoena may which be relevant and material to such inquiry shall not be less than 5 days from the date of service. The attendance of witnesses and the production of records may be required from any State, possession, territory, Commonwealth, the District of Columbia, or any other place subject to the jurisdiction of the United States. Witnesses subpoenaed shall be paid in accordance with the provisions of 28 U.S.C. 1821.

§ 401.104 Enforcement of subpoena.

Whenever any person is subpoenaed pursuant to § 401.1011, the U.S. District Court for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or the production of books, papers, records, or other data.

§ 401.105 Authority to administer oaths.

Any officers and employees of the Internal Revenue Service when so designated in a subpoena issued pursuant to § 401.1011 are authorized to administer such oaths or affirmations and certify to such papers as may be necessary in the administration and enforcement of the President's Economic Stabilization Program.

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Beekeeper Indemnity Payment Program

On May 6, 1972, a notice of proposed rule making regarding amendments to the Beekeeper Indemnity Payment Program regulations was published in the Federal Register (37 F.R. 9224).

Interested persons were given until May 20, 1972, to submit written comments, statements, or objections regarding the proposed amendments. Comments received from the notice of proposed rule making were generally negative. The wording of the amendments is to require all commercial beekeepers to file on the basis of proved loss of income, reduced flat rates of indemnification for non-commercial beekeepers and for eliminating the moderate loss category of damage. In view of the comments received, the regulations have been revised to provide all beekeepers the option of filing on the basis of proved loss of income from bee losses or on the basis of modified flat rates of indemnification. Also, the moderate damage category is being retained.

The regulation is revised to read as follows:

This subpart contains the regulations which set forth the terms and conditions under which indemnity payments will be made to eligible beekeepers who suffer losses of their honeybees as a result of the application of pesticides.

Sec. 760.100 Administration.

(a) Adm. 1947.

(b) Cfr. 1947.

(c) Administrator.

Sec. 760.101 Definitions.

(a) Apiary.

(b) Apis mellifera.

(c) Beekeeper.

Sec. 760.102 Indemnity payment.

(a) Basis for indemnity.

(b) Determination of indemnity.

(c) Determination of amount.

(d) Limitation of authority.

Sec. 760.103 Requirements for eligibility.

(a) Time for filing.

(b) Cfr. 1947.

Sec. 760.104 Application for payment.

(a) Basis for application.

(b) Procedure.

Sec. 760.105 Proving loss of bees.

(a) Basis of proving loss.

(b) Flat rates of indemnification.

(c) Determination of indemnity.

Sec. 760.106 Proving utilization of pesticides.

(a) Basis of proving.

(b) Use of pesticides.

Sec. 760.107 Proving reasonable care.

(a) Basis for proving.

(b) Lack of reasonable care.

Sec. 760.108 Proving fault.

(a) Basis for proving.

(b) Lack of fault.

Sec. 760.109 Computation of payment.

(a) Basis for computation.

(b) Basis for computation.

Sec. 760.110 Appeals.

(a) Basis for appeals.

(b) Procedure.

Sec. 760.111 Assignments.

(a) Basis for assignments.

Sec. 760.112 Instructions.

(a) Basis for instructions.

Sec. 760.113 Limitation of authority.

(a) Basis for limitation.

Sec. 760.114 Estates and trusts.

(a) Basis for estates and trusts.

Sec. 760.115 Setoffs.

(a) Basis for setoffs.

Sec. 760.116 Overdisbursement.

(a) Basis for overdisbursement.

Sec. 760.117 Death, incompetency, or disappearance.

(a) Basis for death, incompetency, or disappearance.

Sec. 760.118 Records and inspection thereof.

Authority: The provisions of this subpart issued pursuant to Public Law 91-524 (84 Stat. 1382).

§ 760.100 Administration.

The beekeeper indemnity payment program is administered by the Agricultural Stabilization and Conservation Service under the supervision and direction of the Deputy Administrator, State and County Operations. In the field, the program is carried out by the ASC State and county committees.

§ 760.101 Definitions.

For the purpose of this subpart, the following terms shall have the meaning specified:

(a) "Apiary" means the place where bees are kept, commonly known as a "bee yard".

(b) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1967, and ending not later than December 31, 1973.

(c) "ASC" means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "Bee" means the honeybee, Apis mellifera L.
(e) “Beekeeper” means a person who maintains colonies of bees.

(f) “Colony” means a community of bees living together in a hive with a queen.

(g) “Colony destroyed” means a colony in which the kil of bees by pesticides was so severe that the colony did not survive.

(h) “Colony moderately damaged” means a colony so damaged by pesticides as to destroy only the field bees.

(i) “Colony severely damaged” means a colony in which the field bees were killed by pesticides, the colony suffered damage to the brood, but the colony did survive.

(j) “County committee” means the Agricultural Stabilization and Conservation County Committee.

(k) “DASCO” means the Deputy Administrator, State and County Operations, ASCS.

(l) “Person” means an individual, partnership, association, corporation, trust, estate, or other legal entity.

(m) “Pesticide” means an economic poison which was registered pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), and approved for use by the Federal Government.

(n) “Queen nucleus” means a small colony of bees maintained solely for the purpose of producing queen bees.

(o) “Queen nucleus destroyed” means a queen nucleus in which the kill of bees by pesticides was so severe that the queen nucleus did not survive.

(p) “State committee” means the Agricultural Stabilization and Conservation State Committee.

§ 760.102 Indemnity payment.

An indemnity payment computed in accordance with § 760.109 will be made under this subpart to a beekeeper who has suffered a loss of bees as a result of the application of pesticides and who establishes to the satisfaction of the county committee that he meets all of the requirements of this subpart.

§ 760.103 Requirements for eligibility.

(a) A beekeeper, to be eligible for an indemnity payment, shall file an application for payment with the county committee and establish to the satisfaction of the county committee that he meets all of the requirements of this subpart.

(b) A beekeeper, to be eligible for an indemnity payment, shall file an application for payment, Form ASCS-448 or Form ASCS-449, with the ASCS county office serving the area where the beekeeper’s headquarters is located.

(c) Applications for payment on losses of bee colonies sustained between June 11, 1971, and December 31, 1971, shall be filed as promptly as practicable but not later than 1 year following the date of loss. Applications for payment on losses of bee colonies sustained during December 1971 and subsequent calendar year shall be filed not later than April 1 following the year in which the losses occurred. An application for payment may be filed by the beekeeper at any time, but it shall be the maximum number of colonies and queen nuclei for which the beekeeper will be eligible to receive an indemnity payment for losses occurring during 1972 and any subsequent year.

§ 760.104 Application for payment.

(a) The beekeeper or his legal representative shall complete, sign, and file an application for payment, Form ASCS-448 or Form ASCS-449, with the ASCS county office serving the area where the beekeeper’s headquarters is located.

(b) Applications for payment on losses of bee colonies sustained between June 11, 1971, and December 31, 1971, shall be filed as promptly as practicable but not later than 1 year following the date of loss. Applications for payment on losses of bee colonies sustained during December 1971 and subsequent calendar year shall be filed not later than April 1 following the year in which the losses occurred. An application for payment may be filed by the beekeeper at any time, but it shall be the maximum number of colonies and queen nuclei for which the beekeeper will be eligible to receive an indemnity payment for losses occurring during 1972 and any subsequent year.

§ 760.105 Proving loss of bees.

A beekeeper shall submit to the county committee either an executed Form ASCS-448, specifying the number of colonies destroyed, severely damaged and moderately damaged; the number of queen nuclei destroyed; and evidence of the loss of bees, or an executed Form ASCS-449 together with the evidence of the loss of bees specified in such form.

(a) With respect to any loss of bees which occurred between January 1, 1967, and June 11, 1971, both dates inclusive, such evidence may include, but is not limited to:

(i) Official reports of bee losses filed by the beekeeper with State or local authorities.

(ii) Daybooks or other regularly kept business records in which losses of bees were recorded by the beekeeper at the time of such losses.

(iii) Written statements signed by disinterested persons, such as landowners, farmers, or apiary inspectors, having personal knowledge of the beekeeper’s loss of bees.

(iv) Photographs showing bee losses: Provided, That such photographs shall be authenticated as to date, location, and accuracy of what they portray.

(v) Reports of State or local apiary inspectors.

(b) If the beekeeper is unable to establish the extent of his loss of bees (that is, whether his loss of bees resulted in his colonies being destroyed, severely damaged, or moderately damaged), the extent of his loss will, for the purposes of this subpart, be deemed to be moderate damage: Provided, That the beekeeper submits to the county committee, together with whatever other documents are required by this subpart, a written statement signed by a disinterested person that he witnessed the beekeeper’s loss of bees but could not assess the extent of such loss.

(c) If the beekeeper is unable to establish the extent of his loss of queen nuclei (that is, whether his loss resulted in the nuclei being destroyed or severely damaged) payment at the rate of $1.50 for each such damaged queen nucleus will be made: Provided, That the beekeeper submits to the county committee, together with whatever other documents are required by this subpart, a written statement signed by a disinterested person that he witnessed the beekeeper’s loss of queen nuclei but could not assess the extent of such loss.

(d) With respect to any loss of bees which occurs between June 12, 1971, and the effective date of this revision, such evidence shall be a written inspection report by a disinterested person, such as the State apiarist, ASCS personnel, or other person familiar with beekeeping, describing loss of bees which he has observed. For any loss occurring after the effective date of this revision, such evidence shall be a written report by a State or county apiary inspector or ASCS personnel who has observed this loss. Any report under this paragraph shall:

(1) Describe the losses of bees which he has observed.

(2) Give full information regarding the loss, including but not limited to the following:

(i) Cause of loss;
RULES AND REGULATIONS

§ 760.108 Proving reasonable care.

A beekeeper shall submit to the county committee evidence that he exercised reasonable care in connection with the use of pesticides by others. Such evidence shall consist of, but is not limited to, written statements signed by the beekeeper:

(a) Stating whether or not he received advance notice that pesticides were going to be applied near or adjacent to his apiary.

(b) Describing what actions he took (if he received such notice) to protect his bees from pesticides, or why there was no suitable action he could take.

(c) Describing what steps he took, after exposure of his bees to pesticides, to improve the condition of his colonies and to reduce the extent of bee loss, or why there were no suitable steps he could take.

§ 760.109 Computation of payment.

(a) The county committee will determine the amount of the indemnity payment due a beekeeper whom it has determined to be in compliance with the terms and conditions of this subpart.

(b) Payment shall be in the amount of the beekeeper's net loss determined to be in compliance with the terms and conditions of this subpart. Such payment shall be in the amount of the beekeeper's net loss from losses of his bees resulting from application of pesticides, less any indemnification for the loss of his bees or payment of any nature which the beekeeper has received through insurance, legal action, or otherwise. The beekeeper may have his net loss determined by the county committee (1) on the basis of evidence submitted by him to the county committee relating to the following:

(i) The cost of bees obtained to replace those lost,

(ii) Loss of sales of honey,

(iii) Loss of pollination fees,

(iv) Loss of sales of queen bees and packaged bees, and

(v) Other loss of income related to the loss of bees, or

(2) On the basis of the following rates:

(i) $15 for each colony destroyed,

(ii) $10 for each colony severely damaged,

(iii) $5 for each queen severely damaged, and

(iv) $5 for each queen nucleus destroyed.

If a payment is made on a colony for moderate or severe damage, that colony is not eligible for further payments during the calendar year until the colony is restored to normal strength and again damaged by pesticides. In no case will the total payment made on the basis of such rates exceed $15 per colony each year.

§ 760.110 Appeals.

The Appeal Regulations issued by the Administrator, ASCS, Part 780 of this title, apply to appeals by beekeepers from determinations made pursuant to the regulations in this subpart.

§ 760.111 Adjustments.

A beekeeper shall not assign any indemnity payment due or to come due under the regulations in this subpart.

§ 760.112 Instructions.

DASCO shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart. Beekeepers may obtain such forms, including the following, from the ASCS office:

ASCS-448-Beekeeper Indemnity Payment Program Report of Loss on a Colony Basis and Application for Payment.


§ 760.113 Limitation of authority.

(a) County executive directors and State and county committees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee when such action has not been taken by the county committee. The State committee may also (1) correct, or require a county committee to correct, results of inspections taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee without taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or county committee shall preclude DASCO or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee.

§ 760.114 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purposes of this subpart, be considered to represent an insolvent beekeeper and the beneficiaries of a trust, respectively, and the honeybee losses of the receiver or trustee shall be considered to be the honeybee losses of the beekeeper and the beneficiaries of the trust estate and the trustee of a trust estate.

(b) The surety guarantees any loss incurred for which the minor would be liable had he been an adult.

§ 760.115 Setoffs.

(a) If any indebtedness of the beekeeper to any agency of the United States is of a nature setoffable under the law, the same shall offset any payment due the beekeeper under the provisions of this subpart.
RULES AND REGULATIONS

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

[Lemon Reg. 537]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.337 Lemon Regulation 537.

(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, and the recommendations and information therefrom.

(b) Compliance with the provisions of this section shall not deprive the beekeeper of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 760.116 Overdisbursement.

A beekeeper shall be personally liable for repayment of the amount by which any indemnity payment disbursed by him exceeds the amount of such payment authorized under the regulations in this subpart.

§ 760.117 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any beekeeper who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this chapter. The persons requesting such payment shall file Form ASCS-325, "Application For Payment of Amounts Due Persons Who Have Died, Disappeared or Have Been Declared Incompetent," as provided in that part.

§ 760.118 Records, and inspection thereof.

The beekeeper, and any other person who furnishes information to such beekeeper or to the county committee to enable the beekeeper to receive an indemnity payment under this subpart, shall maintain any books, records, and accounts supporting any information furnished to the county committee, for 3 years following the end of the year during which the application for payment was filed. The beekeeper or any other person who furnishes such information to the beekeeper or to the county committee shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records, and accounts.

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 72-325]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1963 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 123b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (1) relating to the State of Texas is amended to read:

(1) The portion of the State of Texas comprised of all of Cameron, Harris, Hidalgo, Jim Wells, Moore, Nueces, Starr, Webb, and Willacy Counties.


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

The amendment quarantines all of Harris County in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendment imposes certain further restrictions necessary to prevent...
the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does appear that public participation in this rule-making proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 7th day of June 1972.

C. H. Wise,
Acting Administrator, Animal and Plant Health Inspection Service.

Title 14—Aeronautics and Space

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SO-18]

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

Allegation of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Brunswick, Ga. (Malcolm-McKinnon Airport) control zone and the Brunswick, Ga., transition area.

The Brunswick (Malcolm-McKinnon Airport) control zone is described in §71.171 (37 F.R. 2056) and the Brunswick transition area is described in §71.181 (37 F.R. 2143). In the control zone area described, an extension is predicated on the Brunswick VOR 023° radial. The final approach radial of VOR Runway 4 instrument approach procedure has been changed to 022°. In the transition area described, an extension is predicated on the Brunswick VOR 203° radial. Effective June 30, 1972, the procedure turn radial for VOR—A instrument approach procedure to Jekyll Island Airport will be changed to Brunswick VOR 215° radial. It is necessary to alter the descriptions to reflect these changes. Since these amendments are minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 29, 1972, as hereinafter set forth.

In §71.171 (37 F.R. 2056), the Brunswick, Ga. (Malcolm-McKinnon Airport) control zone is amended as follows: "023°" is deleted and "022°" is substituted therefor.

In §71.181 (37 F.R. 2143), the Brunswick, Ga., transition area is amended as follows: "203°" is deleted and "215°" 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 East Point, Ga., on May 31, 1972.

DUANE W. FEEB, Acting Director, Southern Region.

[Airspace Docket No. 72-WE-18]

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

Establishment of Control Zone

On April 28, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER, VOL. 37, NO. 113—SATURDAY, JUNE 10, 1972

RULES AND REGULATIONS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In §82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Florida after the reference to "California", and a new paragraph (a)(2) relating to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Broward and Dade Counties in Florida because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 7th day of June 1972.

G. H. Wise,
Acting Administrator, Animal and Plant Health Inspection Service.

[F.R. Doc. 72-9702 Filed 6-9-72; 8:50 a.m.]
RULES AND REGULATIONS

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 148h—KANAMYCIN SULFATE

Potency Assay Method

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141 and 148h are amended as follows to change the potency assay method for kanamycin sulfate from the microbiological agar diffusion assay to the microbiological turbidimetric assay:

1. Part 141 is amended:

§ 141.110 [Amended]

a. In § 141.110 by deleting the item “Kanamycin” both from the table in paragraph (a) and from the table in paragraph (b).

b. In § 141.111 by alphabetically inserting a new item in both the table in paragraph (a) and the table in paragraph (b), as follows:

§ 141.111 Microbiological turbidimetric assay.

(a) * * *

(b) * * *

2. Part 148h is amended:

a. In § 148h.1 by revising paragraph (b)(1), as follows:

§ 148h.1 Nonsterile kanamycin sulfate.

(b) * * *

(1) Potency. Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 10 micrograms of kanamycin per milliliter (estimated).

b. In § 148h.1a by revising paragraph (b)(1), as follows:

§ 148h.1a Sterile kanamycin sulfate.

(b) * * *

(1) Potency. Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 10 micrograms of kanamycin per milliliter (estimated).

c. In § 148h.2 by revising paragraph (b)(1), as follows:

§ 148h.2 Kanamycin sulfate injection.

(b) * * *

(1) Potency. Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative aliquot of the sample into an appropriately-sized volumetric flask and dilute to volume with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 10 micrograms of kanamycin per milliliter (estimated).

Since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisite to promulgation of these amendments.

Effective date. This order shall be effective from 0800 to 2000 local time daily within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.). This control zone is added:

1 mile radius of the Federal Aviation Regulations that would establish a temporary control zone for San Luis Obispo County Airport, Calif.

This amendment shall be effective from 0800 to 2000 local time daily effective from August 20 through September 1, 1972.

This zone is published pursuant to the provisions of the Federal Register (37 F.R. 8359) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a temporary control zone for San Luis Obispo County Airport, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 17, 1972.

(Sec. 307(a). Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1925(e))

Issued in Los Angeles, Calif., on June 1, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.171 (37 F.R. 2056) the following control zone is added:

SAN LUIS OBISPO, CALIF.

Within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.). This control zone is effective from 0800 to 2000 local time daily August 20 through September 1, 1972.

[FR Doc.72-3765 Filed 6-9-72;8:45 am]
fee for the thin layer chromatographic identity test to read as follows:

§ 146.8 Fees.

(b) * * *

(1) * * *

Test Chargeable

fee per test

Thin layer chromatographic identity 15

As this change is a reduction in a chargeable fee, involving the relaxation of the regulation, and is noncontroversial in nature, notice and public procedure and delayed effective data are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the Federal Register (6-10-72).

(Doc. 72-8771 Filed 6-9-72: 8:46 am)

PART 148e—ERYTHROMYCIN

Certain Erythromycin Ethylsuccinate Products; Name Change

In a notice published in the Federal Register of March 2, 1972 (37 F.R. 4357), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended to delete the word "granules" from the term "erythromycin ethylsuccinate granules for oral suspension" and to delete the word "chewable" from the term "erythromycin ethylsuccinate chewable tablets." It was also proposed that the specification for disintegration time be added to the erythromycin ethylsuccinate tablet monograph. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 30 days. No comments were received. Accordingly the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148e is amended as follows:

§ 148e.10 [Amended]

1. In § 148e.10 Erythromycin ethylsuccinate granules for oral suspension by deleting the word "granules" from the term "erythromycin ethylsuccinate granules for oral suspension".

2. In § 148e.29 by deleting the word "chewable" from the heading and the first sentence in paragraph (a) (1) inserting a new sentence between the fourth and fifth sentences in paragraph (a) (1); revising paragraphs (a) (3) (1) (b) and (2) (b) and adding a new sub-

paragraph (3) to the end of paragraph (b) to read as follows:

§ 148e.29 Erythromycin ethylsuccinate tablets.

(a) Requirements for certification—

(1) Standards of identity, strength, quality, and purity. Erythromycin ethylsuccinate tablets are composed of erythromycin ethylsuccinate, suitable and harmless diluents, binders, buffers, colorings, and flavorings. Each tablet contains erythromycin ethylsuccinate equivalent to 100 or 200 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The tablets shall disintegrate within 45 minutes. The erythromycin ethylsuccinate used conforms to the standards prescribed by §146e.7 (a) (1).

(b) The batch for potency, moisture, and disintegration time.

(b) The batch: A minimum of 36 tablets.

(3) Disintegration time. Proceed as directed in §141.540 of this chapter.

Effective date. This order shall become effective 30 days after its date of publication in the Federal Register.


H. E. SIMMONS,
Director, Bureau of Drugs.

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE BEFORE INTERNAL REVENUE SERVICE

Economic Stabilization Matters

The Treasury Department hereby amends Part 10 of Subtitle A of Title 31 of the Code of Federal Regulations (Treasury Department Circular No. 230), concerning practice before the Internal Revenue Service on economic stabilization matters. The purpose of these amendments is to amend the rules prescribed on January 20, 1972, that were published in the Federal Register of Friday, January 21, 1972 (37 F.R. 1016), relating to authority to practice before the Internal Revenue Service on economic stabilization matters. These amendments are made as a result of policy decisions of the Cost of Living Council, Pay Board, and Price Commission, and will permit the Internal Revenue Service to issue regulations, which it is constrained to do as the delegate of those agencies in the administration of the Economic Stabilization Program. These amendments will permit any person to appear in a representative capacity before the Internal Revenue Service in matters relating to economic stabilization.

Despite these amendments, it remains and shall continue to remain the position of the Treasury Department and the Internal Revenue Service, that in order to protect the public, only attorneys, certified public accountants, and enrolled agents, because of their training and prescribed standards of conduct, can properly be allowed to practice and represent the public in tax matters before the Internal Revenue Service. In order to preserve this position with respect to the Treasury Department's duty to protect the public, any appearance before the Internal Revenue Service on economic stabilization matters shall not in any manner be considered to be an authorization to practice before the Service for the purposes of tax matters. The proposed amendments are set forth below.

A. Section 10.9 is amended as follows: 1. Paragraph (a) is amended to read as set forth below.

2. The first sentence of paragraph (b) (ending with the colon) is amended to read as set forth below.

3. Paragraph (b) is further amended by adding a new subparagraph (7) to read as set forth below.

§ 10.9 Practice before the Internal Revenue Service on economic stabilization matters.

(a) Who may practice. Any person may appear on his own behalf or may be represented by any natural person, age 21 years or older whom he has designated to represent him, except that such designated person may not be under disbarment or suspension from practice before the Internal Revenue Service. Any person who is represented by another and to appear before the Internal Revenue Service, including the Office of Chief Counsel, on matters relating to economic stabilization shall comply with such procedural requirements as the Commissioner of Internal Revenue or the Chief Counsel, Internal Revenue Service, as appropriate, may hereafter set forth.

(b) Disciplinary proceedings. Pursuant to the regulations contained in Subpart C of this part any person appearing before the Internal Revenue Service, including the Office of the Chief Counsel, on matters relating to economic stabilization may be suspended or disbarred from further appearances before the Internal Revenue Service, including the Office of the Chief Counsel, for disreputable conduct which includes, but is not limited to, the following:

(7) Advertising or soliciting, directly, or indirectly, for employment before the Service on matters relating to economic stabilization.
rules and regulations

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stabilization, or employing, accepting assistance from, or being employed or associated with any person or firm who advertises or solicits such employment.

b. New §10.10 is added to Subpart A to read as follows:

§10.10 Limited practice in economic stabilization matters.

Nothing contained in the regulations in this part shall be deemed to permit any person not qualified under §§10.3 (a), 10.3(b), 10.4, and 10.7 to practice before the Internal Revenue Service in matters other than those matters relating to economic stabilization.

Because of the need for immediate guidance with respect to the subject matter of these amendments, it is found impracticable to issue such rules with notice and public procedure thereon under §5 U.S.C., section 553(d), or subject to the effective date limitation of §5 U.S.C., section 553(d) of such title.

These regulations shall become effective when filed with the Federal Register.


[FR Doc. 72-8774 Filed 6-9-72; 8:46 am]

Title 49—Transportation

Chapter III—Federal Highway Administration, Department of Transportation

Title 49—Transportation

PART 393—Parts and Accessories Necessary for Safe Operation

Glazing and Window Construction

On August 7, 1970, the Director of the Bureau of Motor Carrier Safety issued a notice of proposed rule making, announcing that he has considered amendments to paragraphs (a), (b), and (c) of §§393.61 and amendments to 393.63 of the Motor Carrier Safety Regulations (35 F.R. 10324) for the purpose of revising the area requirements of windows in trucks and tractor-trailers and for the purpose of making bus window requirements consistent with a proposed Motor Vehicle Safety Standard. The comments received in response to the notice have been considered in this issuance of final amendments. The Administrator of the National Highway Traffic Safety Administration has issued the proposed Motor Vehicle Safety Standard (see 37 F.R. 9394) as Standard No. 217. Comments on Motor Vehicle Safety Standard 217 are discussed in that issuance by the Administrator and will not be mentioned here.

Several comments pointed out that there was no demonstrated need to increase truck cab glazing size and that a person in a truck had ready access to two doors for emergency egress. These comments are well founded and the proposed amendments to the size of windows in trucks and truck tractors is deleted from this final issuance.

Other changes made in the proposed amendments do not affect the substance of the amendments. The proposed effective date of January 1, 1973, has been changed to July 1, 1973; buses manufactured after the effective date of Standard No. 217, September 1, 1973, are not required to comply with paragraph (c) of this section.

(b) Bus windows.

(1) Except as provided in subparagraph (b) of this paragraph, a bus manufactured before September 1, 1973, having a seating capacity of more than eight persons shall have, in addition to the area provided by the windshield, adequate means of escape for passengers through windows. The adequacy of such means shall be determined in accordance with the following requirements: (a) Every escape window area provided, inclusive of the driver there shall be at least 67 square inches of glazing if such glazing is not contained in a split-type, or of the movable sash if of the sliding type, window; or at least 67 square inches of opening resulting from opening of a push-out type window. No area shall be included in this minimum prescribed area unless it will provide an unobstructed opening sufficient to contain an ellipse having a major axis of 18 inches and a minor axis of 10 inches, and no opening containing 200 square inches formed by a rectangle 13 inches by 17% inches with corner arcs of 6-inch maximum radius. The major axis of the ellipse and the long axis of the rectangle shall make an angle of not more than 45° with the surface on which the vehicle is traveling.

The area shall be measured either by removal of the glazing if not of the push-out type or of the movable sash if of the push-out type, and it shall be either glazed or unglazed at the pleasure of the manufacturer, but shall not contain any of the following: (a) Unprovided glazing or opening; (b) a window opening less than 200 square inches, measured as outlined in paragraph (b) of this section; (c) a window opening that will be obstructed by the presence of any part of the vehicle or any brake, wheel, or drivetrain component; or (d) a window opening that is obstructed by the presence of any part of the vehicle or any brake, wheel, or drivetrain component.

(2) A bus, including a school bus, manufactured on and after September 1, 1973, having a seating capacity of more than 10 persons shall have emergency exits in conformity with Motor Vehicle Safety Standard No. 217, Part 571 of this title.

(3) A bus manufactured before September 1, 1973, may conform to Motor Vehicle Safety Standard No. 217, Part 571 of this title, in lieu of conforming to subparagraph (1) of this paragraph.

(c) Push-out window requirements.

(1) Except as provided in subparagraph (b) of this paragraph, every glazed opening in a bus manufactured before September 1, 1973, and having a seating capacity of more than eight persons, used to satisfy the requirements of paragraph (b) (1) of this section, if not glazed
with laminated safety glass, shall have a frame or sash so designed, constructed, and maintained that it will yield outwardly to provide the required free opening when subjected to the drop test specified in Test 25 of the American Standard Safety Code referred to in § 393.60. The height of drop required to open such push-out windows shall not exceed the height of drop required to break the glass in the same window when glazed with the type of laminated glass specified in Test 25 of the Code. The sash for such windows shall be constructed of such material and be of such design and construction as to be continuously capable of complying with the above requirement.

(2) On a bus manufactured on and after September 1, 1973, having a seating capacity of more than 10 persons, each push-out window shall conform to Motor Vehicle Safety Standard No. 217, Part 571 of this title.

(3) A bus manufactured before September 1, 1973, may conform to Motor Vehicle Safety Standard No. 217, Part 571 of this title, in lieu of conforming to subparagraph (1) of this paragraph.

§ 393.63 Windows, markings.

(a) On a bus manufactured before September 1, 1973, each bus push-out window and any other bus escape window glazed with laminated safety glass required in § 393.61 shall be identified as such by clearly legible and visible signs, lettering, or decalcomania. Such marking shall include appropriate wording to indicate that it is an escape window and also the method to be used for obtaining emergency exit.

(b) On a bus manufactured on and after September 1, 1973, emergency exits required in § 393.61 shall be marked to conform to Motor Vehicle Safety Standard No. 217, Part 571 of this title.

(c) A bus manufactured before September 1, 1973, may mark emergency exits to conform to Motor Vehicle Safety Standard No. 217, Part 571 of this title in lieu of conforming to paragraph (a) of this section.
DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

WEATHER MODIFICATION ACTIVITIES

Proposed Maintaining and Submitting of Records

Notice is hereby given that, pursuant to the authority contained in Public Law 92-205, 85 Stat. 736, December 18, 1971, the National Oceanic and Atmospheric Administration (NOAA) proposes to amend Title 15, Code of Federal Regulations, by the addition of Part 908, adopting the rules set forth below.

All interested persons are invited to present their written views, objections, recommendations, or suggestions in connection with the proposed rules to the Administrator, National Oceanic and Atmospheric Administration, Rockville, Md. 20852, on or before September 11, 1972. No oral hearing will be held. The written comments submitted may be inspected by any person, upon application, at the Office of Environmental Modification, NOAA, Room 1004, 6010 Executive Boulevard, Rockville, MD 20852.

The purpose of these proposed rules is to provide for the reporting to the Secretary of Commerce of weather modification activities taking place within the United States. The Secretary is charged under law to assemble and retain records of such weather modification activities and to make these records publicly available to the fullest extent practicable. By so doing, among other things, experts in the field of weather modification will be increased, and scientists and other concerned persons will have access to scientific information about past and ongoing efforts at weather modification, can avoid unneeded and wasteful duplications of effort, can check both desirable and undesirable atmospheric changes against records of weather modification, and can prevent territorial overlappings of weather modification operations. These rules will be administered by the Administrator, National Oceanic and Atmospheric Administration, on behalf of the Secretary of Commerce.

Howard W. Pollock.
Acting Administrator.

§ 908.1 Definitions.
Sec.
Sec. 908.1 Definitions.
908.2 Persons subject to reporting.
908.3 Activities subject to reporting.
908.4 Initial report.
908.5 Interim reports.
908.6 Final report.
908.7 Supplemental reports.
908.8 Maintenance of records.
908.9 Retention of records.

§ 908.2 Persons subject to reporting.

Any person engaged or intending to engage in any weather modification activity in the United States shall provide a report of his intention, to be received by the Administrator at least 30 days before the commencement of such project or activity. This report shall contain at least the following:

(1) The designation, if any, used by the operator for the project or activity;
(2) The date of the contract or other agreement to undertake the activity or project, the dates on which the actual weather modification activities are expected to commence and terminate, and the completion date of the project or contract;
(3) The name and address of the person or organization for whom the project or activity is to be performed;
(4) The purpose of the project or activity;
(5) The approximate size and location of the target area;
(6) Applying shocks or sonic energy sources, or other explosive or acoustic sources to the atmosphere;
(7) Using aircraft, propeller downwash, jet wash, or other sources of artificial wind generation;
(8) Using lasers or other sources of electromagnetic radiation.

§ 908.4 Initial report.

(a) Any person intending to engage in any weather modification project or activity in the United States shall provide a report of his intention, to be received by the Administrator at least 30 days before the commencement of such project or activity. This report shall contain at least the following:

The proposed rules are as follows:

§ 908.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) Administrator. The Administrator of the National Oceanic and Atmospheric Administration.

(b) Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, any State or local government or any agency thereof, or any other organization, whether commercial or nonprofit, except where acting solely as an employee, agent, or independent contractor of the Federal Government.

§ 908.2 Persons subject to reporting.

Any person engaged or intending to engage in any weather modification activity in the United States shall provide a report of his intention, to be received by the Administrator at least 30 days before the commencement of such project or activity. This report shall contain at least the following:

(1) The designation, if any, used by the operator for the project or activity;
(2) The date of the contract or other agreement to undertake the activity or project, the dates on which the actual weather modification activities are expected to commence and terminate, and the completion date of the project or contract;
(3) The name and address of the person or organization for whom the project or activity is to be performed;
(4) The purpose of the project or activity;
(5) The approximate size and location of the target area;
§ 908.4 Final report.

Upon completion of a weather modification project or activity the person who performed the same shall submit a report to the Administrator not later than 90 days after completion of the project or activity. The report shall include the following information:

(a) Information required for the interim reports (to the extent not previously reported),

(b) The total number of seeding or other modification missions accomplished under the project or activity,

(c) The total number of storms, clouds, or other weather phenomena on which modifications attempts were made during the project or activity.

(d) The total number of days during the project or activity on which actual modification attempts took place.

(e) The total number of hours of operation of each type of modification equipment during the project or activity.

(f) The total amount of seeding or other modification agent(s) dispensed during the project or activity. If more than one agent was used, each should be listed separately (e.g., dry ice, urea, silver iodide).

(g) The date of completion of the project or activity.

§ 908.7 Supplemental reports.

Notwithstanding other regulations, a supplemental report must be made to the Administrator immediately if any report of weather modification activities submitted under § 908.4, § 908.5, or § 908.6 is found to contain any material inaccuracies, misstatements, or omissions. A supplemental report must also be made if there are changes in plans for the project or activity.

§ 908.8 Maintenance of records.

(a) Any person engaging in a weather modification activity in the United States shall maintain a record of each weather modification device or generator run: Ground track, altitude, range and type of target during each operational period.

(b) Any person engaging in a weather modification activity in the United States shall maintain a record of each weather modification device or generator and deactivating each weather modification device or generator.

(c) The types of materials used in each weather modification device or generator.

(d) The rate of material release during the operation of each weather modification device or generator.

(e) The method of seeding and characteristics of each modification device or generator.

§ 908.9 Retention of records.

Records required under § 908.8 shall be retained and available for inspection, upon request of the Administrator, for a period of 5 years after completion of the activity to which they relate. Such records shall be required to be produced for inspection whenever applicable.

§ 908.10 Retention of records.

All records required under § 908.8 shall be retained and available for inspection, upon request of the Administrator, for a period of 5 years after completion of the activity to which they relate. Such records shall be required to be produced for inspection whenever applicable.

§ 908.11 Retention of records.

All records required under § 908.8 shall be retained and available for inspection, upon request of the Administrator, for a period of 5 years after completion of the activity to which they relate. Such records shall be required to be produced for inspection whenever applicable.
only at the place where normally kept. The Administrator shall have the right to make copies of such records, if he deems necessary.

§ 908.10 Penalties.

 knowing and willful violation of any rule adopted under the authority of section 2 of Public Law 92–205 shall subject the person violating such rule to a fine of not more than $10,000, upon conviction thereof.

§ 908.11 Maintenance of records of related activities.

(a) Persons whose activities relate to weather modification activities, other than persons engaged in weather modification activities, shall maintain records concerning the identities of purchasers or users of weather modification equipment or materials, the quantities or numbers of items purchased, and the times of such purchases. Such information shall be retained for at least 5 years.

(b) In addition, persons whose activities relate to weather modification shall be required, under the authority of section 4 of Public Law 92–205, to provide the Administrator, on his request, with information he deems necessary to carry out the purposes of this Act.

§ 908.12 Public disclosure of information.

(a) Any records or other information obtained by the Administrator under these rules or otherwise under the authority of Public Law 92–205 shall be made publicly available to the fullest practicable extent. Such records or information may be inspected on written request to the Administrator. However, the Administrator will not disclose any information referred to in section 1905 of title 18, United States Code, and that is otherwise unavailable to the public, except that such information shall be disclosed:

(1) To other Federal Government departments, agencies, and officials for official use upon request;

(2) Any judicial proceeding under a court order or other directive to preserve the confidentiality of such information without impairing the proceeding; and

(3) To the public, if necessary to protect the health and safety of the people.

(b) Certified copies of such reports and information, to the extent publicly discloseable, may be obtained from the Administrator at cost in accordance with the Department of Commerce implementation of the Freedom of Information Act.

(c) Persons reporting on weather modification projects or related activities shall specifically identify all information that they consider not to be subject to public disclosure under the terms of Public Law 92–205 and provide reasons in support thereof. A determination as to whether or not reported information is subject to public dissemination shall be made by the Administrator.

§ 908.13 Address of letters.

Letters and other communications intended for the Administrator, in connection with weather modification reporting or activities, shall be addressed to: The Administrator, National Oceanic and Atmospheric Administration, Office of Environmental Modification, Reporting Division, Rockville, Md. 20852. When appropriate, a letter may be marked for the attention of a particular officer or individual.

§ 908.14 Business to be transacted in writing.

All business transacted with the National Oceanic and Atmospheric Administration with regard to reports of weather modification activities should be transacted in writing. The appearance of persons engaged in weather modification activities, or their attorneys or representatives, at the National Oceanic and Atmospheric Administration is unnecessary. Actions of the National Oceanic and Atmospheric Administration will be based exclusively on the written record.

§ 908.15 Nature of correspondence.

Reports or correspondence must pertain only to a single activity or project. A report or item of correspondence pertaining to multiple or separate projects or activities may not be used.

§ 908.16 Identification of papers.

When a letter concerns a report, it should state the name of the person who made the report, any serial or identifying number assigned by the National Oceanic and Atmospheric Administration, and other information adequate to identify the subject matter in question.

§ 908.17 Receipt of letters and papers.

Letters and other papers received by the Administrator are stamped with the date of receipt. No papers are received in the National Oceanic and Atmospheric Administration on Saturdays, Sundays, or holidays.

§ 908.18 Times for taking action; expiration on Saturday, Sunday, or holiday.

Whenever periods of time are specified in these rules in days, calendar days are intended. When the day, or the last day, fixed under these rules for taking any action falls on a Saturday, Sunday, or on a holiday within the District of Columbia, the action may be taken on the next succeeding day which is not a Saturday, Sunday, or holiday.

§ 908.19 Language, paper, writing, margins.

All papers filed must be in the English language. All papers that are to become part of the permanent records of the National Oceanic and Atmospheric Administration must be legibly typewritten or printed in permanent ink on but one side of the paper. All reports and correspondence shall be on paper 8 to 11 inches by 10 1/2 to 11 inches, double spaced, with margins of 1 1/2 inches on the left hand side and top. The pages of any report or paper shall be numbered consecutively, starting with the numbers being placed in the center of the bottom margin. Reports shall be submitted on forms obtainable from the Administrator, or on an equivalent format.

§ 908.20 Signature.

All reports filed with the National Oceanic and Atmospheric Administration must be dated and signed by or on behalf of the person conducting or intending to conduct the weather modification activities referred to therein by such person, individually or, in the case of a person other than an individual, by a partner, officer, or other person having corresponding functions and authority. For this purpose "officer" means a President, Vice President, Treasurer, Secretary, or Comptroller. Notwithstanding the foregoing, such reports may also be signed by the duly authorized agent or attorney of the person whose activities are being reported.

§ 908.21 Correspondence held with single person.

All initial reports should designate a single individual to represent the person reporting and with whom correspondence will be conducted. All correspondence will be held with that individual until the Administrator is notified of a change in designation.

§ 908.22 Suspension or waiver of rules.

In an extraordinary situation, any requirement of these rules may be suspended or waived by the Administrator on request of the interested party, to the extent such waiver is consistent with the provisions of Public Law 92–205 and subject to such other requirements as may be imposed.

§ 908.23 Matters not specifically provided for in rules.

All matters not specifically provided for in these rules will be decided in accordance with the merits of each case by the Administrator, and such decision will be communicated in writing to all parties involved in the case.

§ 908.24 Publication of notice of proposed amendments.

Whenever required by law, and in other cases whenever practicable, notice of proposed amendments to these rules will be published in the Federal Register. If not published with the notice, copies of the text or proposed amendments will be furnished to any person requesting the same. All comments, suggestions, and briefs received within the time specified in the notice will be considered before adoption of the proposed amendments, which may be modified in the light thereof. Informal hearings may be held at the discretion of the Administrator.

§ 908.25 Effective date.

These rules are effective:

(a) Any person engaged in a weather modification activity on the effective date.
shall furnish the initial report required under § 908.4 within 30 days from the effective date, appropriately modified as circumstances may require.

(b) Any person intending to engage in a weather modification activity scheduled to commence less than 60 days from the effective date of these rules may furnish the required report under § 908.4 as late as 30 days following such effective date.

(c) The explanatory statement required by § 908.4(c), pertaining to late reports, need not be submitted with the initial reports in the above cases.

§ 908.26 Report form.

The pertinent rules of sections of Public Law 92–205 should be studied carefully prior to reporting. Reports required by these regulations are to be furnished in the formats shown in Appendices A and B below. A suggested form for the daily logs is found in Appendix C below. If requested, the Administrator will furnish forms. In special situations, such alterations to the forms as the circumstances thereto may render necessary may be made, provided they do not depart from the requirements of these rules or of Public Law 92–205.

APPENDIX A

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OFFICE OF ENVIRONMENTAL MODIFICATION, REPORTING DIVISION, ROCKVILLE, MD. 20852

REPORT ON WEATHER MODIFICATION OPERATIONS

Public Law 205, 92d Congress

(See Instructions below)

NOAA File No. _________

This report is:

☐ Initial report.
☐ Supplemental report.
☐ Interim report.
☐ Final report.

1. Project or activity designation, if any:

2. Dates of project or contract:
(a) Date of contract or agreement:

(b) Date of first actual attempt at weather modification:

(c) Date on which final modification activity occurred or is expected to occur:

(d) Either the contractual project completion date or the expected project completion date if a date is not specified in any pertinent contract.

3. Name and address of person to whom project or activity is performed:

4. Purpose of project or activity:

5. Target area: (see instructions)

   Approximate size of target area:

6. Description of equipment and seeding agents and the techniques employed: (see instructions)

7. Where may log book information or records of activities be obtained?

8. Optional remarks:

CERTIFICATION: I certify that the above statements are true, complete, and correct to the best of my knowledge and belief.

(Name of operator) (Signature)

(Address of operator) (Official title)

(Date)

PROPOSED RULE MAKING

INSTRUCTIONS FOR REPORT ON WEATHER MODIFICATION OPERATIONS

One completed copy of this form is to be received 30 days 1 or more prior to actual modification operations and the box checked indicating “Initial Report.” In case of any change in the information submitted in the “Initial Report,” one copy, indicating only the changed information, is to be submitted and the box checked indicating “Supplemental Report.” NOAA file number should be filled in for any project for which the Administrator has assigned a file number. On “Initial Report,” leave this space blank and a file number will be assigned and you will be notified of the file number.

Item 1. Enter designation, if any, used by operator for the project or activity.

Item 2. Enter: (a) Date of signing contract or agreement, if any, to engage in weather modification;

(b) Date first actual attempt at weather modification was or is to be made;

(c) Date on which final modification activity occurred or is expected to occur;

(d) Either the contractual project completion date or the expected project completion date.

For exceptions, see secs. 908.4(b) and (c), Part 908 of Title 15, Code of Federal Regulations.

APPENDIX B

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OFFICE OF ENVIRONMENTAL MODIFICATION, REPORTING DIVISION

ROCKVILLE, MARYLAND 20852

INTERIM ACTIVITY REPORTS AND FINAL REPORT

NOAA File No. _________

Reporting period: _______ to _______

(a) Number of operational days

(b) Number of phenomena

(c) Number of modification missions

(d) Hours of equipment (by type)

(e) Type and amount of agent used

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FEDERAL REGISTER, VOL. 37, NO. 113—SATURDAY, JUNE 10, 1972
PROPOSED RULE MAKING

For final report: Date of completion of project or activity

CERTIFICATION

I certify that all statements in this report on this weather modification project are complete and correct to the best of my knowledge and are made in good faith.

(Name of operator) (Signature)

(Official title) (Date)

INSTRUCTIONS FOR INTERIM AND FINAL REPORTS

Any person engaged in any weather modification project or activity in the United States on October 1 in any year shall submit one copy of this form setting forth as of such date the information required with respect to each such continuing project or activity not previously furnished in a prior interim report. The box indicating "Interim Report" should be checked. The October 1 date shall not apply if other arrangements have previously been made with the written approval of the Administrator of NOAA. The report shall be received by NOAA not later than 90 days following the end of the reported period. Upon completion of a project or activity one copy of this report shall be submitted and the box checked indicating "Final Report." The final report shall be received by NOAA not later than 90 days after the completion of the project or activity. The NOAA file number should be filled in for any project for which the Administrator has assigned a file number.

Interim report. The information in Items (a) through (e) on the report form should be provided as prescribed below for the months to which the report pertains. If no data are applicable for any given item in any month, enter zero.

Item (a). Enter number of days on which field operations were conducted.

Item (b). Enter in the appropriate column number of storms, clouds, or other weather phenomena on which modification attempts were made.

Item (c). Enter number of seeding flights or generator seeding missions, or other appropriate modification missions that were carried out. If multiple flights, generators, or other techniques are used simultaneously in the same general area, they shall constitute a single mission.

Item (d). Enter in the appropriate column total number of hours of operation of each type of modification equipment (flight hours, generator hours, etc.). If the form does not contain sufficient space, report additional types on a separate sheet.

Item (e). Enter in the appropriate column total amount of agent used, by type. If the form does not contain sufficient space, report additional types on a separate sheet. The totals for these items shall be provided for the period covered by the interim report.

Final report. The final report shall contain the information required for interim reports, to the extent not previously reported. In addition, the items designated as "Totals for Final Report" should be reported. This information should pertain to the entire project or activity period, rather than only the period since the last interim report. At the space at the end of the form, enter the last date of operation for the project or activity.

The information in Items (f) through (l) on the report form should be provided as prescribed below for the months to which the report pertains. If no data are applicable for any given item in any month, enter zero.

Item (f). Enter number of storms, clouds, or other weather phenomena on which modification attempts were made.

Item (g). Enter number of seeding flights or generator seeding missions, or other appropriate modification missions that were carried out. If multiple flights, generators, or other techniques are used simultaneously in the same general area, they shall constitute a single mission.

Item (h). Enter in the appropriate column total number of hours of operation of each type of modification equipment (flight hours, generator hours, etc.). If the form does not contain sufficient space, report additional types on a separate sheet.

Item (i). Enter in the appropriate column total amount of agent used, by type. If the form does not contain sufficient space, report additional types on a separate sheet.

Item (j). Enter total number of hours of cloud seeding or other modification activity and for amount of modification agents used.

Item (k). Enter rate of use of each type of modification agent, by hour or other appropriate time period.

Item (l). Enter total amount of each modification agent used per day. On each sheet of the daily log of activities include subtotals for hours of cloud seeding or other modification activity for amounts of modification agents used. On the daily log sheet for the last day of each month give the total or generator seeding missions, or other appropriate modification missions that were carried out. If multiple flights, generators, or other techniques are used simultaneously in the same general area, they shall constitute a single mission.

Item (m). Enter in the appropriate column total number of hours of operation of each type of modification equipment (flight hours, generator hours, etc.). If the form does not contain sufficient space, report additional types on a separate sheet.

Item (n). Enter in the appropriate column total amount of agent used, by type. If the form does not contain sufficient space, report additional types on a separate sheet.

Item (o). Enter total number of hours of cloud seeding or other modification activity and for amount of modification agents used.

Item (p). Enter rate of use of each type of modification agent, by hour or other appropriate time period.

Item (q). Enter total amount of each modification agent used per day. On each sheet of the daily log of activities include subtotals for hours of cloud seeding or other modification activity for amounts of modification agents used.

INSTRUCTIONS FOR COMPLETING DAILY LOG FORM

Daily log of activities. This is a suggested form to be used in recording the information required to be kept by 15 CFR Part 260. It is subject to approval of the Office of Management and Budget. There are spaces for each unit of modification equipment or aircraft. In the spaces provided above the columns, write the water year, month, day, and calendar year of the cloud seeding or other activity.

Column (1)—State month, day, and calendar year of the cloud seeding or other activity.

Column (2)—Give each aircraft flight course or location of the generator to which the log applies. Maps may be used.

Columns (3) and (4)—State local time when cloud seeding or other activity began and ended. Use 24-hour clock time (e.g., 0100 signifies 1 a.m. and 2300 signifies 11 p.m.).

Column (5)—Give total time of each cloud seeding or other activity in hours and minutes. (Col. 5 = Col. 4 - Col. 3)

Column (6)—Describe types of nucleation or other modification agents used.

Column (7)—Give rate of use of each type of modification agent, by hour or other appropriate time period.

Column (8)—Give total amount of each modification agent used per day. On each sheet of the daily log of activities include subtotals for hours of cloud seeding or other modification activity and for amounts of modification agents used. On the daily log sheet for the last day of each month give monthly total for hours of cloud seeding or other modification activity and for amount of modification agents used.

SELECTED FISHERY PRODUCTS

Proposed Standards for Grades

JUNE 7, 1972.

The National Marine Fisheries Service, U.S. Department of Commerce, operates a voluntary inspection program relating to the standardization, inspection, grading, and certification of fishery products as authorized by the Agricultural Marketing Act of 1946, as amended, and the Fish and Wildlife Act of 1956, as amended. Revised regulations (Part 260, Title 50 CFR) for the conduct of this program under the Department of Commerce became effective December 3, 1971. Section 260.21 expresses the basis on which product inspections are made, which is primarily the U.S. Standards for Grades of processed products developed by NMFS.

During the past several years as a result of technological innovations, mechanical equipment has been developed to separate fish flesh from the bone and skin. The fish flesh that is recovered from the mechanical equipment is a relatively formless mass of small pieces and particles which can be then processed into uniformly-shaped rectangular blocks. These blocks have a potential for being further processed into portion-controlled fish sticks and portions.

The term "frozen fish block," historically and traditionally through custom and use has been generally understood to refer to a fairly uniform rectangular
mass of cohering fish flesh composed predominately of whole fish fillets of a single species which has been frozen under pressure. The primary use of fish blocks is in the production of portion-controlled fish sticks and portions. The essential difference between the two types of blocks is characterized by the state of the fish flesh prior to processing into blocks, i.e., fillets vs. small pieces and particles.

With the assistance of the industry, NMFS developed and promulgated quality standards for frozen fish blocks, frozen raw breaded and fried fish sticks, and frozen raw, raw breaded, and fried fish portions during the period from 1954-70. The basic research and supporting data for the existing promulgated U.S. Standards for Grades of fish blocks was carried out on blocks of the historical type. In addition, research for the existing U.S. Standards for Grades of fish sticks and portions was carried out solely on products cut from blocks of the historical type. Thus, while the newer type blocks have a potential for use in the manufacture of fish sticks and portions, the NMFS as yet has not undertaken adequate studies to assess the hygienic aspects, quality criteria, nomenclature, and labeling concerning the newer type blocks and products made therefrom.

Significant interest has been expressed by various industry representatives regarding products made by utilizing fish flesh recovered by mechanical separator torrific at the NMFS as yet has not undertaken adequate studies to assess the hygienic aspects, quality criteria, nomenclature, and labeling concerning the newer type blocks and products made therefrom.

Significant interest has been expressed by various industry representatives regarding products made by utilizing fish flesh recovered by mechanical separator equipment. Further, NMFS believes that such products should have an opportunity to find an appropriate place in the U.S. market based upon their particular characteristics and merits.

NMFS intends to insure consideration of all the legitimate interests concerning these products by inviting all interested persons to express their views relative to the need for standardization of products manufactured by the application of current technology, and the manner in which this can best be done. Further, expressions are also invited concerning how such products might be appropriately defined and identified with a common or usual name in order to achieve appropriate consumer needs through labeling of such products.

Interested persons are provided 30 days in which to make their views known relative to this matter, to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

ROBERT W. SCHONING, Acting Director.

[FR Doc.72-8798 Filed 6-9-72;8:49 am]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 7 and 35.

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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendments.

The proposals 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 proposes the following airspace actions:

1. Redesignate V--T segment to start at Miami, Fla., thence via the intersection of Miami 279° T. (279° M) and Fort Myers 121° T (120° M) radials; to Fort Myers, including an east alternate segment from Miami to Fort Myers via the intersection of Miami 361° T (360° M) and Fort Myers 096° T (095° M) radials.

2. Redesignate V--S segment from the intersection of Bimini, Bahamas, 215° T (215° M) and Miami 147° T (146° M) radials via the intersection of Miami 279° T (279° M) and Fort Myers 137° T (136° M) radials; to Fort Myers, including a west alternate from the intersection of Miami 147° T (146° M) and Biscayne Bay 262° T (262° M) and Fort Myers 137° T (136° M) radials; to the intersection of Miami 279° T (279° M) and Fort Myers 137° T (136° M) radials.

These redesignated airway segments would provide more precise routing of Miami terminal area air traffic. The proposed realignments were necessitated due to operational restrictions placed on radials of the Biscayne Bay VORTAC in the northwest quadrant of the facility.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1346(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 2, 1972.

H. B. HILSTROM, Chief, Airspace and Air Traffic Rules Division.
driving over 10 hours to reach a place of safety for vehicle occupants and security for the vehicle and its cargo.

Interested persons are invited to give their views on this proposal. Communications should identify the docket and notice number, and should be submitted in triplicate to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. Communications received on or before September 6, 1972, will be considered before further action is taken on the proposal. All comments received will be available for examination in Room 4136, 400 Seventh Street SW., Washington, DC 20590, both before and after the closing date.

In consideration of the foregoing, the Director proposes to revise § 395.10 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) to read as follows:

§ 395.10 Adverse driving conditions.
(a) Except as provided in paragraph (b) of this section, a driver who encounters adverse driving conditions as defined in paragraph (c) of this section and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by § 395.10(a) may drive and be permitted or required to drive a motor vehicle in order to reach the nearest place offering safety for vehicle occupants and security for the vehicle and its cargo. However, such driver may not drive or be required to drive—
(1) For more than 12 hours in the aggregate following 8 consecutive hours off duty; or
(2) After he has been on duty 15 hours following 8 consecutive hours off duty.
(b) A driver who is driving a motor vehicle in the State of Alaska and who encounters adverse driving conditions as defined in paragraph (c) of this section during a run may drive and be permitted or required to drive a motor vehicle for the period of time needed to complete the run. After he completes the run, that driver must be off duty for 8 consecutive hours before he drives again.
(c) "Adverse driving conditions" means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were foreseen or could have been foreseen in the exercise of reasonable prudence when the run was begun.

Proposed effective date. It is proposed to make this revision effective on January 1, 1973.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 504, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48 and 49 CFR 388.4.

Issued on May 18, 1972.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

FEDERAL REGISTER, VOL. 37, NO. 113—SUNDAY, JUNE 10, 1972

CIVIL AERONAUTICS BOARD

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Notice of Proposed Rule Making

June 6, 1972.

Notice is hereby given that the Civil Aeronautics Board is considering the proposal of the Secretary, Civil Aeronautics Board to adopt amendments to Part 241 of its economic regulations (14 CFR Part 241), which would: (1) Make the timeliness of the filing of all CAB Form 41 schedules turn upon the date of receipt by the Board, rather than upon the postmark date; (2) prescribe a list of due dates, in place of the present list of time intervals, for such filings; and (3) require the filing of extensions of time for such filings be received not later than 10 days prior to the due date.

The principal features of the proposed amendments are described in the attached explanatory statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20429. All relevant material received on or before July 10, 1972, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

Harry J. Zink,
Secretary.

EXPLANATORY STATEMENT

The Uniform System of Accounts and Reports for Certificated Air Carriers requires the carriers to periodically submit the various schedules which comprise the CAB Form 41 report. For Schedules T-1, T-2, T-3, and T-41, timeliness of filing is determined by the date on which the schedule is received by the Board, but all other schedules are presently required to be postmarked not more than a prescribed number of days after the end of the reporting period to which the particular schedule relates.

The rule being proposed herein would amend the instructions in Part 241 so as to eliminate references to postmarking and require that all of the schedules are to be received by the Board on or before a particular date. Since the due date for each schedule would be, in most cases,
the same as the presently required postmark date, the time allowed for filing each such schedule would be reduced by a few days. We are, however, of the tentative view that such a minimal burden upon the carriers would be outweighed by the benefits to be derived from the proposed amendment. By specifying a closure date for each schedule, and by slightly shortening the period for filings, the Board would be able to compile and issue the Form 41 data with greater speed, thereby benefiting the carriers and other interested persons. Furthermore, since many carriers now use postage meters, the elimination of a postmark test to determine the timeliness of filing would preclude the need for questions whether a particular schedule was actually mailed on the stamped date.

We are also proposing to adopt a list of specific due dates for the various schedules. This list is computed from, and would replace, the existing list of numbers of days between the end of a reporting period and the postmark deadline. The list would clearly indicate the filing due date of any particular Form 41 schedule. In order to make the list more convenient to use, we are proposing to make such due dates fall on either the first day of the month or a number of days which is divisible by 10; where adjustments of due dates have thus been necessary, we are proposing adjustment to the nearest suitable later date.

Furthermore, it is being proposed to amend the instructions with regard to requests for extensions of filing times. First, it is being proposed to require that such requests (except in case of emergency) be received at least 10 days in advance of the due date, rather than 24 hours in advance as is presently required. The Board's experience indicates that 24 hours is not always a sufficient length of time to properly evaluate such a request. Moreover, a request on 24 hours notice raises the possibility that a carrier will be notified, mere hours before the report is due, that its request for an extension of time has been denied.

We are also taking this occasion to point out that, while requests for extension under the proposed rule would continue to be entertained on less than the prescribed notice in cases of emergency, as under the existing rule, the term "emergency" will henceforth be strictly construed. For example, an employee's illness or an incomplete audit will not necessarily be regarded as an emergency sufficient to justify the granting of an extension of time on less than 10 days' notice.

**Proposed Rule**

It is proposed to amend Part 241 of the economic regulations (14 CFR Part 241), as follows:

1. Amend Section 22—General Reporting Instructions, as follows:

A. Revise the text of paragraph (a), to read as follows:

(a) Four copies of each schedule in the CAB Form 41 report shall be filed with the Civil Aeronautics Board on or before the due date indicated in the list titled “Due Dates of Schedules in CAB Form 41 Report.”

B. Revise the existing list of schedules in paragraph (a) by adding a title and deleting the column “Postmark interval (days),” as the list amended to read as follows:

**List of Schedules in CAB Form 41 Report**

<table>
<thead>
<tr>
<th>Schedule No.</th>
<th>Schedule title</th>
<th>Filing frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>...</strong></td>
<td><strong>...</strong></td>
<td><strong>...</strong></td>
</tr>
</tbody>
</table>

C. Add a new list to paragraph (a), to read as follows:

**Due Dates of Schedules in CAB Form 41 Report**

<table>
<thead>
<tr>
<th>Due date</th>
<th>Schedule No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 30</td>
<td>B-1, P-1(a), T-1, T-7, T-41</td>
</tr>
<tr>
<td>Nov. 10</td>
<td>A, B, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-5, P-5.1, P-5.2, P-5(s), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-10.1, P-10.2, P-10.6, T-6, T-7</td>
</tr>
<tr>
<td>Nov. 20</td>
<td>B-1, P-1(a), T-1, T-7</td>
</tr>
</tbody>
</table>

1. Due dates falling on a Saturday, Sunday, or a national holiday will become effective the following working day.

B. P, and memorandum subclassification reporting dates are extended to Mar. 30 if preliminary schedules are filed at the Board by Feb. 10.

D. Revise paragraph (c) to read as follows:

(c) If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be submitted ten (10) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not received by the Civil Aeronautics Board at least ten (10) days before the prescribed due date. If a request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

2. Amend Section 22—General Reporting Instructions, as follows:

A. Revise the text of paragraph (a), to read as follows:

(a) Four copies of each schedule in the CAB Form 41 report shall be filed with the Civil Aeronautics Board on or before the due date indicated in the following list titled “Due Dates of Schedules in CAB Form 41 Report.”

B. Revise the existing list of schedules in paragraph (a) by adding a title and deleting the column “Postmark interval (days),” as the list amended to read as follows:

**List of Schedules in CAB Form 41 Report**

<table>
<thead>
<tr>
<th>Schedule No.</th>
<th>Schedule title</th>
<th>Filing frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>...</strong></td>
<td><strong>...</strong></td>
<td><strong>...</strong></td>
</tr>
</tbody>
</table>
The Commission is releasing today for public comment a revision of proposed rules concerning the obligation of broker-dealers to maintain physical possession or control over securities left with the broker-dealer by a customer and to have basic reserves with respect to customers’ cash and cash realized through the basic reserves with respect to customers’ broker-dealer by a customer and to have rules concerning the obligation of broker-dealer control over securities left with the dealers to maintain physical possession public comment a revision of proposed emergency, no such request will be entertained can be filed. Except in cases of emergency of time had been made.

The proposed rule addresses itself to three primary areas of customer protection: First, it codifies the obligation of a broker-dealer to promptly take possession or control of all fully-paid securities and excess margin securities carried by a broker-dealer for the account of customers; second, it provides a formula to the determination of a cash reserve with respect to all customer funds which are not deployed in customer related transactions; and third, it is designed to accomplish separation of the brokerage operation from other firm activities from that of other firm activities.

A number of positive benefits should flow from the approach sought through the adoption of this rule. The restrictions on the use of customer funds and securities and the requirement that securities be promptly obtained under physical possession or control are designed to protect customer assets in the event a broker-dealer faces insolvency. The rule will also act as a control over the unwarranted expansion of a broker-dealer’s business. This is so since the rule prohibits the utilization of customers’ funds and securities to increase the size or scope of the firms business such as underwriting, trading and overhead. It was too often the case, particularly during the 1968-70 period, that broker-dealers expanded their trading activities and office facilities through the use of customers’ funds.

Unlike most businesses, which, when seeking to expand with outside funds, are subject to the supervision of a regulatory investor of the wisdom of their expansion plans, these broker-dealers merely deployed customer funds for such purposes without a prior showing of justification. The proposed rule rectifies this.

The rule offers further customer protection by requiring an increase in the amount of the cash reserve under the formula to the degree a firm fails to promptly obtain possession or control of customers fully-paid securities or loses control of its records. One of the consequences of faulty records is an increase in companies’ accounting and auditing, in such items as securities in transfer, security count differences and securities in suspense accounts. As these items increase the amount of the customer reserve also increases. Moreover, the present rule seeks to control the quality of margin indebtedness extended by firms to customers. The rule should facilitate settlements of securities on a timely basis and reduce fails. A number of other benefits derived from the rule are examined below.

**Future Developments**

Both the securities industry and the regulatory authorities have concluded that the locked-in trade, with a simultaneous increase in margin accounts for cash and securities, is a desirable objective for the future. A national unified securities processing system is the announced purpose of the proposed “Securities Transaction Processing Act of 1972”, a bill which the Commission recently recommended to Congress in connection with its Study of Unsafe and Unsound Practices of Brokers and Dealers. These objectives, to the extent fulfilled, will obviate the necessity for the rule the Commission is proposing here. As the securities industry makes greater use of depository and modern methods of clearance and settlement and achieves a more rapid settlement of trades, the quantity of cash and securities held by broker-dealers will diminish and the need for such a rule, as afforded by this rule will likewise become less important. The Commission looks with favor upon these developments and intends to lend its cooperation and support to a modernized securities processing and settlement system.

Operational efficiency and prompt settlements with fewer securities in open positions are of great concern to the Commission. The Commission is exploring the possibility of designating additional time frames and control locations for securities beyond those presently designated by the rule, such as where the customer has not delivered to his broker-dealer a security he has ordered sold. To the degree there can be accomplished a more rapid settlement of securities to the best interest of the investor is served through prompt consummation of his securities transactions and it will greatly reduce the immobilization of the certificate and eventually eliminate it. The Commission seeks specific comments as to what additional control locations should be included in the rule. Any such comments should be accompanied by suggestive provisions for customer protection in designating additional control locations and a statement of the benefits which would flow to the operational cycle from such further designations.

**History of Proposed Rule 15c3-3**

Before examining the details of proposed Rule 15c3-3, it is necessary to review the events which caused this rule to be proposed. During the 1967-70 period, there occurred the most prolonged and severe crisis in the securities industry since its infancy. During this critical period many firms failed. In the face of these losses public confidence in the securities industry was threatened.
PROPOSED RULE MAKING

a. The all-inclusive reserve formula. The rule prohibits a broker or dealer from releasing to a customer funds and funds which may be generated from the lending, hypothecation or other use of customers' securities in any manner other than as specified in the formula attached to this proposed rule (17 CFR 240.15c3-3a). For example, under the formula approach a broker would have to ascertain on a daily basis customers' free credit balances, funds which might be realized by a broker or dealer as a result of hypothecation or lending of customers' margin securities, funds arising from the failure to receive securities of customers on settlement date from clearing corporation or depository subject to the custody of customers and related measures respecting the financial responsibility of brokers and dealers for the protection of investors. The program embodied in the reserve and segregation rules as initially proposed for safeguarding the handling of customer property was devised only after an evaluation of various methods suggested by the Commission, SEC and others. The formula approach was initially proposed for the purpose of further evaluation and further consultation and examination over the last several months by the Commission and its staff, the Commission has arrived at the view that the basic statutory objectives of customer protection are obtainable through a broad-based formula for reserves which covers not only free credit and other credit balances of customers left on deposit with a broker-dealer but also any cash realized by broker-dealers through the various methods of utilizing customer's securities.

PROPOSED RULE 15c3-3

The proposed rule has two focal points: the all-inclusive formula for a cash reserve for the benefit of customers and the requirement that a broker or dealer promptly obtain and maintain physical possession or control of all fully-paid and excess margin securities.

b. Obligation to maintain physical possession or control of all securities. The second focal point of Rule 15c3-3 is the requirement that a broker-dealer promptly obtain and maintain physical possession or control of all fully paid securities and excess margin securities for the account of customers. Proposed Rule 15c3-3 preserves the fundamental principle that fully paid securities and excess margin securities left with a broker-dealer must be placed and maintained in physical possession or control within specified time frames. A principal reason for this is that the law, as presently in effect, requires such securities to be held by the broker-dealer, either directly or indirectly, in a manner which identifies a particular customer's interest in order for that customer to obtain maximum protection. Moreover, under present practice, customers expect their fully paid securities to be held in safekeeping pending their use whenever they leave them with a broker-dealer, and it can be said that to the extent this is feasible, it does in fact result in greater customer protection.

Rule 15c3-3 does, however, give recognition to the fact that, for reasons beyond its control or as a result of normal business operations, a broker-dealer may not always be able to take possession or control of a customer's fully paid security on settlement date. Fails to receive and items in transfer are examples of this. In such instances, Rule 15c3-3 has flexibility. Rule 15c3-3 directs that customers' securities which may be generated from the lending, hypothecation or other use of customers' securities in any manner other than as specified in the formula attached to this proposed rule (17 CFR 240.15c3-3a). For example, under the formula approach a broker would have to ascertain on a daily basis customers' free credit balances, funds which might be realized by a broker or dealer as a result of hypothecation or lending of customers' margin securities, funds arising from the failure to receive securities of customers on settlement date from clearing corporation or depository subject to the custody of customers and related measures respecting the financial responsibility of brokers and dealers for the protection of investors.

The all-inclusive reserve formula is designed to achieve the principal objective of the rule which is to assure customers their interest in order for that customer to obtain maximum protection.

Obligation to maintain physical possession or control of all securities.

Proposed Rule 15c3-3 is consistent with the present method of operation of most broker-dealers in recognition of the need to increasing the utilization of central depositories and clearing facilities and to attaining the ultimate objective of the locked-in trade and immobilization of the stock certificate. The formula is computed from broker-dealer source data which currently can be obtained without significant difficulty, as the major components of the formula are currently being reported by Rule 17a-8 (17 CFR 240.17a-8). The formula offers the further advantage over the earlier proposal of being more readily subject to independent verification by the Commission and by self-regulatory bodies and outside auditors.

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customer may obtain delivery of securities or cash upon request. The required disclosure would be adopted as Exhibit B (17 CFR 240.15c3-3b) to the rule. In the absence of a guarantee against all loss resulting from any violation of the requirements of this rule, it is appropriate to require that a customer be advised of the risk he runs in leaving his property in the care of a broker-dealer so that the customer can make an informed decision on leaving his securities and cash with a broker-dealer.

Exemptive Provision

While Rule 15c3-3 is believed to be compatible with the operations of the great majority of broker-dealers, the diversity within the securities industry in terms of size of firms, services provided and method of operations may make it necessary for certain broker-dealers to seek alternative programs of investor protection with regard to the funds and securities held by such broker-dealers for their customers. Rule 15c3-3 contains a provision for the granting of an exemption by the Commission from a portion or all of the rule upon application of any broker-dealer who can demonstrate to the satisfaction of the Commission that it has a plan and procedures for the safeguarding of funds and securities of customers comparable with those provided by this rule.

Specifically Identifiable Property of Certain Customers

Proposed Rule 15c3-3 contains provisions to the effect that the deposits in the Reserve Bank Account shall constitute specifically identifiable property of the customers of the broker-dealer to the extent that such customers have free credit balances. Securities carried in the possession or control of the broker-dealer so that the customer may be able to determine the existence, location and value of the security; (iv) Is represented by an unresolved short security interest that must be bought-in by the broker-dealer within 5 business days; (v) Is in transfer for more than 30 days and has not been confirmed to be in transfer by the transfer agent or issuer during the most recent 30-day period, the market value thereof must be included in the furnance for purchasing securities of the reserve required for customers; or (vi) Is represented by an unresolved short security interest that must be bought-in by the broker-dealer within 30 days.

Notice to Customers

A final protective feature of Rule 15c3-3 is the requirement that broker-dealers disclose to their customers on periodic statements the fact that their securities may be part of a fungible bulk, that ownership is determinable from the books and records and related documents, that certain limited risks are involved in leaving securities with a broker-dealer, and that, accordingly, a customer may obtain delivery of securities or cash upon request. The required disclosure would be adopted as Exhibit B (17 CFR 240.15c3-3b) to the rule. In the absence of a guarantee against all loss resulting from any violation of the requirements of this rule, it is appropriate to require that a customer be advised of the risk he runs in leaving his property in the care of a broker-dealer so that the customer can make an informed decision on leaving his securities and cash with a broker-dealer.

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IMPLEMENTATION AND COMMENTS

The Commission appreciates the many comments it has received over the past few months from the securities industry and other interested parties concerning our initial proposal for rules regarding reserves. They have been helpful to us in our present efforts. We believe the proposed rule accompanying this release, as a result of the actions of the Congress for a program of fiscal protection regarding broker-dealers. In developing the reserve and custody rules we have sought to avoid freezing the liquid resources of the securities industry or depriving it of business opportunities in areas, such as margin lending, where it has traditionally played a significant and constructive role. Careful consideration has been given to the operational feasibility of both the reserve and custody rule. It is the Commission's judgment that the implementation of this program will not significantly impact the operational level of broker-dealers' businesses.

TEXT OF PROPOSED RULE AND EXHIBITS

The Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting new §§ 240.15c3-3, 240.15c3-3a, and 240.15c3-3b as follows:

§ 240.15c3-3 Customer protection—reserves and custody of securities.

(a) Definitions. For the purpose of this section:

(1) The term "customer" shall mean any person from whom or on whose behalf a broker or dealer has received or acquired or holds funds or securities for account of such person, but shall not include a broker or dealer, or a general, special or limited partner or director or officer of the broker or dealer, or any participant in any joint, group or any syndicate account with a broker or dealer or any general, special or limited partner or director of such broker or dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker or dealer or is subordinate to the claims of creditors of the broker or dealer: Provided, however, That the term "customer" shall also include a broker or dealer but only insofar as such broker or dealer maintains with a member firm of a national securities exchange a special omnibus account carried by such member in the name of such other broker or dealer in compliance with § 220.4(b) of Regulation T of this chapter under the Securities Exchange Act of 1934.

(2) The term "securities carried for the account of a customer" (hereinafter also "customer securities") shall mean:

(i) Securities received by or on behalf of a broker or dealer for the account of any customer, and securities carried long by a broker or dealer for the account of any customer; and

(ii) Securities sold to, or bought for, a customer by a broker or dealer.

(3) The term "fully paid securities" shall include all securities carried for the account of a customer in a special cash account as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System or in a custodial or similar account, as well as margin equity securities within the meaning of Regulation T which are carried for the account of a customer in a general account or any special account under Regulation T during any period when the broker or dealer has not made full payment.

(4) The term "excess-margin securities" shall mean the excess of margin securities held by a broker or dealer for the account of a customer in a general account as defined in Regulation T, as well as securities carried in any special account other than the securities referred to in subparagraph (3) of this paragraph.

(5) The term "excess-margin securities" shall mean those margin securities carried for the account of a customer in a general account as defined in Regulation T, as well as securities carried in any special account other than the securities referred to in subparagraph (3) of this paragraph.

§ 240.15c3-3a Control of Customer Securities under the control of a broker or dealer shall be deemed to include securities which:

(1) Are represented by one or more certificates in the custody of a clearing corporation or other subsidiary organization of either a national securities exchange or of a registered national securities association, or of a custodian bank in accordance with Rule 15Aa of the Federal Reserve Board, and are carried in a clearing corporation omnibus account in the name of such member or any person to whom the books or records of the broker or dealer have not been released or otherwise permitted to be used; or

(2) Are carried for the account of any customer by a broker or dealer registered with the Commission under section 15 of the Act and are carried in a special cash account or other account as defined in Regulation T and as other securities being deemed to be under the control of such registered broker or dealer to the extent that the broker or dealer has instructed such member to maintain physical possession or control of such securities in favor of such member or any persons claiming through such member; or

(3) Are the subject of bona fide items of transfer: Provided, That securities shall be deemed not to be the subject of bona fide items of transfer if, within 30 days after they have been transmitted for transfer by the customer to the issuer or its transfer agent, new certificates conforming to the instructions of the broker or dealer have not been received by him or her on or after the date of the written statement by the issuer or its transfer agent acknowledging the transfer instructions and the possession of the securities.
PROPOSED RULE MAKING

(f) Requirements to reduce securities to possession or control. Not later than the close of the preceding business day, a broker or dealer, as of the close of the preceding business day, shall determine from his books or records the quantity of fully paid securities and excess margin securities in his possession and control. In computing amounts under items comprising total debits under the formula referred to in subparagraph (1) of this paragraph except for the specified purposes indicated under items comprising total debits under the formula, and to the extent total credits exceed total debits the net amount thereof shall be maintained in the Reserve Bank Account pursuant to subparagraph (1) of this paragraph.

(2) Computations required for the making of the deposit specified in subparagraph (1) of this paragraph shall be made daily as of the close of the preceding business day, and the deposits so computed shall be made in full by the broker or dealer no later than the next banking day. The broker or dealer shall maintain in the Reserve Bank Account for the Exclusive Benefit of Customers an amount of cash such that the bank has been provided with a written communication from each bank in which he has his Reserve Bank Account that the bank was informed that all cash and qualified securities deposited therein are being held by the bank for the exclusive benefit of customers of the broker or dealer in accordance with the regulations of the Reserve Bank, and are being kept separate from any other accounts maintained by the broker or dealer with the bank, and the broker or dealer shall have written policies and procedures that provide that the cash and qualified securities shall at no time be used directly or indirectly as security for a loan to the broker or dealer by the bank and, shall be subject to no right of charge, or lien, or claim of any kind in favor of the bank or any person claiming through the bank.

(i) Withdrawals from the Reserve Bank Account. A broker or dealer may make withdrawals from his Reserve Bank Account if and to the extent that at the time of the withdrawal the amount thereof shall be maintained in the Reserve Bank Account pursuant to subparagraph (1) of this paragraph.

(j) Buy-in of short security differences. A broker or dealer shall, not later than the business day following the day as of which such determination is made, issue instructions to the Reserve Bank for the withdrawal of securities pursuant to § 240.17a-13 or otherwise or to the annual report of financial condition and compliance with § 240.17a-5, buy-in all short security differences which are not resolved during the 45-day period.

(k) Notice in the event of failure to make a required deposit. If a broker or dealer shall fail to make on any day a deposit required by this section in his Reserve Bank Account, the broker or dealer shall immediately notify the Commission, the Securities Investor Protection Corporation, and the examining authority for the broker or dealer designated by the Securities Investor Protection Corporation and shall promptly thereafter confirm such notification in writing.

(l) Specifically identifiable property. For the purpose of section 6(c) (2) (C) (iii) of the Securities Investor Protection Act of 1970 the following are hereby determined to and shall constitute the specifically identifiable property of consumers:

(1) All fully paid and excess margin securities in the physical possession or control of the broker or dealer as a stock dividend received in transfer or stock dividend receivable shall constitute the specifically identifiable property of customers having claims for fully paid and excess margin securities as their property may exceed from the books or records of the broker or dealer as is otherwise established by a preponderance of the evidence or to the satisfaction of a trustee appointed pursuant to section 5(b) of that Act.

(l) The cash and qualified securities on deposit in the Reserve Bank Account of a broker or dealer shall be deemed to constitute the specifically identifiable property of those customers of the broker or dealer who have free cash balances.

(m) If specifically identifiable property allocable to customers pursuant to paragraph (l) of this section is insufficient to satisfy the respective claims of such customers, such specifically identifiable property shall be pro rata among such customers.

(n) Exemptions. (1) The provisions of this section shall not be applicable to a broker or dealer meeting all of the following conditions:

(i) His dealer transactions (as principal for his own account) are limited to the purchase, sale and redemption of redeemable securities of registered investment companies or of interests or participations in an insurance company separate account, whether or not registered as an investment company; except that a broker or dealer transacting business as a sole proprietor may also effect transactions in such securities for his own account with or through another registered broker or dealer;

(ii) His transactions as broker (agent) are limited to:

(a) The sale and redemption of redeemable securities of registered investment companies or of interests or participations in an insurance company separate account, whether or not registered as an investment company; (b) the solicitation of share accounts for savings and loan associations insured by an instrumentality of the United States;
and (e) the sale of securities for the account of a customer to obtain funds for immediate reinvestment in redeemable securities of registered investment companies; and

(ii) He promptly transmits all funds and delivers all securities received in connection with his activities as a broker or dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers.

Notwithstanding the foregoing, this section shall not apply to any insurance company which is a registered broker-dealer, and which otherwise meets all of the conditions in subdivisions (i), (ii), and (iii) of this subparagraph, solely by reason of its participation in transactions that are a part of the business of insurance, including the purchasing, selling or holding of securities for or on behalf of such company's general and separate accounts.

(1) Delivery of securities. Nothing stated in this section shall be construed as affecting the absolute right of the customer to receive in the course of normal business operations, following demand made on the broker or dealer, the physical delivery of certificates for:

(1) The fully paid and excess margin securities required to be in the physical possession of the broker or dealer, and

(2) Margin securities for any customer upon full payment by such customer to the broker or dealer of his indebtedness to the broker or dealer.

(n) Completion of sell orders on behalf of customers. If a broker or dealer executes a sell order of a customer (other than an order to execute a short sale in conformity with Regulation T) and if for any reason whatever the broker or dealer has not obtained possession of the securities from the customer within 10 days after the settlement date, the broker or dealer shall immediately thereafter close the transaction with the customer by purchasing securities of like kind and quantity.

(p) Notice to customers. Every broker or dealer, unless exempted from the provisions of this section as a broker or dealer, shall give or send to each of its customers, together with or as a part of the customer's statement of account, whenever sent but not less frequently than once every 3 months, the written statement set forth in § 240.15c3-3(b).

§ 240.15c3-3a Exhibit A—Formula for determination of reserve requirement for brokers and dealers under § 240.15c3-3.

1. Customers' free credit balances (Question 6 of § 240.617 ( Form X-17A-5)) ——— XXX

2. Customers' cash account debits (Items A2, B and B of Question 6 and Item B1b of Question 2 of § 240.617 ( Form X-17A-5)) ——— XXX

3. Monies borrowed collateralized by securities carried for the accounts of customers ( Question 6 of § 240.617 ( Form X-17A-5)) ——— XXX

4. Drafts payable and bank overdrafts (Questions 15 of § 240.617 ( Form X-17A-5)) ——— XXX

5. Securities loaned ( Item C of Question 4 of § 240.617 ( Form X-17A-5)) ——— XXX

6. Securities failed to receive ( Item D of Question 4 of § 240.617 ( Form X-17A-5)) ——— XXX

7. Credit balances in proprietary accounts and in accounts of officers, directors, general partners, and limited partners, containing short positions ( Question 8, 9, 10A, 10C, 11, and 12 of § 240.617 ( Form X-17A-5)). See Note B ——— XXX

8. Market value of stock dividends receivable over 30 days old ( Question 13 of § 240.617 ( Form X-17A-5)) ——— XXX

9. Market value of short security count differences and/or stock record inaccuracies over 30 days — (In addition, one year from the effective date of this rule, 50 percent of the market value of security count differences and/or stock record inaccuracies more than 15 days shall be included and 100 percent of the value thereof aged over 30 days shall be included (Question 13 of § 240.617 ( Form X-17A-5))) ——— XXX

10. Market value of cash in suspense accounts over 30 days ( Question 13 of § 240.617 ( Form X-17A-5)) ——— XXX

11. Market value of net securities, other than proprietary long positions or long positions in securities of officers, directors, general partners and limited partners, which are used to collateralize firm bank loans ——— XXX

12. Market value of securities which are in transfer in excess of 30 days and have not been confirmed to be in transfer by the transfer agent or the issuer during the preceding 30 days ——— XXX

13. Total credits (sum of Items 1 and 12) ——— XXX

14. Net debit balances in customers' fully secured accounts — (Item B1 of Question 6 of § 240.617 ( Form X-17A-5)), adjusted in accordance with Note A hereof ——— XXX

15. Debit balances in bonafide cash accounts of customers and in omnibus accounts carried by other brokers or dealers (Item A1 of Question 6 and Item D of § 240.617 ( Form X-17A-5)). See Note C ——— XXX

16. Drafts receivable not more than 10 days old delivered based upon 5 percent of customers' securities ——— XXX

17. Securities borrowed ( Item A of Question 6 of § 240.617 ( Form X-17A-5)). See Note B ——— XXX

18. Securities failed to deliver (not older than 39 days) ( Item B of § 240.617 ( Form X-17A-5)). See Note B ——— XXX

19. Total debits (sum of Items 14 and 18) ——— XXX

20. Excess of total credits over total debits (line 13 minus line 19) required to be on deposit in the "Reserve Bank Account" (§ 240.15c3-3 (c)) ——— XXX

Note A: Margin accounts receivable shall be reduced by:

(1) The amount by which a specific security which is collateral for margin account exceeds in aggregate value 10 percent of the aggregate value of all securities which collateralize all margin accounts receivable; and

(2) The amount by which margin debt arising from transactions with any directors, officers, general, special or limited partners, subordinated lenders, or others who are either beneficial owners of 5 percentum or more of the voting stock of the broker or dealer or have the right to a participation of 5 percentum or more in the net assets or in the net profits of the broker or dealer exceeds 10 percent of all margin accounts receivable.

The calculations called for by this Note A may be made on a monthly basis; however, such calculations shall be adjusted daily whenever necessary to reflect material changes in the foregoing items.

Note B: A broker or dealer to the extent possible shall eliminate, on a prudent conservative basis, amounts included in Items 5, 6, 17, and 18 of the preceding exhibit, which are noncustomer items and then may make a reduction in item 7, but only to the extent short positions in proprietary accounts are attributable to the noncustomer items which have been so eliminated. If a broker or dealer eliminates noncustomer items from any of the items 5, 6, 17, or 18, he must eliminate noncustomer items from all such items.

Note C: Customers' cash account debts shall be reduced by:

(1) The amount by which the receivable of one customer and his affiliates exceeds 10 percent of all accounts receivable; and

(2) Amounts owed arising from transactions with directors, officers general, special or limited partners, subordinated lenders, or others who are beneficial owners of 5 percentum or more of the voting stock of the broker or dealer or have the right to a participation of 5 percentum or more in the net assets or net profits of the broker or dealer; and

(3) An amount equal to 1 percent of aggregate cash account debts, reduced by Items (1) and (2) above.

The calculations called for by this Note C may be made on a monthly basis, however, such calculations should be adjusted daily whenever necessary to reflect material changes in the foregoing items.

§ 240.15c3-3b Exhibit B—Notice required by brokers and dealers to customers. All securities credited to your account and not delivered to you will be held by the firm together with securities credited to the accounts of other customers and securities maintained with a depository or clearing agency subject to the jurisdiction of the Securities and Exchange Commission. The securities owned by you will be determined from
the books and records, confirmations, customer statements, and related documents of the firm. We are required by law to obtain possession or control of the securities credited to your account as soon as possible and maintain such possession or control in a manner described above or in some other manner which clearly defines your securities pending your instructions or our delivery thereof to you. As a result of normal business operations and temporary lags certain of your securities may not have been reduced to our possession or control as of the date of this statement. You may obtain delivery of securities credited to your account upon request and, if applicable, upon payment of any outstanding debit balance and/or delivery of securities owed by you to the firm.

In view of the complexity of this program, the Commission again requests the assistance of those affected thereby through the public comment process. It realizes that in such an important and complex program certain facets may require adjustment before final adoption. Nevertheless, the Commission seeks the adoption of this program at the earliest possible time. It is therefore contemplated that the program embodied in this rule will become effective approximately 45 days after the Commission announces the final form of the rule.

All interested persons are invited to submit their views and comments on these proposals in writing to Lee A. Pickard, Special Counsel to the Chairman, Securities and Exchange Commission, 500 North Capitol Street NW, Washington, DC 20549, on or before July 17, 1972. All such communications will be available for public inspection.

By the Commission.

RONALD F. HUNT,
Secretary.
DEPARTMENT OF STATE
Agency for International Development
DEPUTY ASSISTANT ADMINISTRATOR FOR POPULATION AND HUMANITARIAN ASSISTANCE
Delegation of Authority
Correction
In F.R. Doc. 72-8121, appearing at page 10682, in the issue of Wednesday, May 31, 1972, the ninth and 12th lines of the first paragraph, should be transferred, respectively.

DEPARTMENT OF THE TREASURY
Internal Revenue Service
[Cost of Living Council Ruling 1972-53]
DEALER IN EXEMPT COMMODITY
Cost of Living Council Ruling
Facts. A is a broker specializing in sales and purchases, for clients, of goods, or real estate which are exempt from Economic Stabilization Regulations, 6 CFR 101.31 et seq. A receives a fee for his services.

Issue. Are fees for services which are related to otherwise exempt commodities themselves exempt from economic controls?

Ruling. No. Those who render services related to an exempt commodity are subject to economic controls even though service, if performed by the owner of the exempt commodity on his own behalf, would be exempt. If the owner of an otherwise exempt commodity sells it on his own behalf, that sale is exempt from economic controls. Economic Stabilization Regulation § 101.31 et seq. 6 CFR 101.31 et seq. However, a broker who performs this act for the owner is regarded as performing a "service" as that term is defined by Economic Stabilization Regulation § 101.31 et seq., 6 CFR 101.31 et seq. and 101.31 et seq. A broker who performs this act on behalf of the owner of an otherwise exempt commodity is not considered exempt from the regulations.

SMALL BUSINESS EXEMPTION—FIRM—BROTHER-SISTER CORPORATION
Cost of Living Council Ruling
Facts. An individual H controls two wholly owned manufacturing corporations A and B. A and B are price category III firms which have an average of 55 and 45 employees respectively, as calculated under § 101.51(a)(3) of the Economic Stabilization Regulations, 6 CFR 101.51(a)(3), 37 F.R. 3839 (May 3, 1972). The pay and benefits of the employees of A and B have never been set by a master employment or other employment contract of the type described in § 101.51(a)(2)(i) of the Definition. The definition of "firm" is directly or indirectly controlled by the firm. A person will be deemed to control any entity owned by such person, his spouse, children, grandchildren, or parents. 6 CFR 101.2, 37 F.R. 9457 (May 31, 1972).

Issue. Does X lose his exempt status and does Y gain exempt status? X is a firm that has an average of 60 or less employees as calculated by Economic Stabilization Regulation, 6 CFR 101.51(a)(3), 37 F.R. 8939 (May 3, 1972), and is considered exempt. X has expanded his operation and has hired 10 more employees to increase his average total employees to more than 60. Y is a firm that had an average of more than 60 employees as calculated by § 101.51(a)(3) and is considered non-exempt. Y now has expanded his operation to 60 employees and is considered exempt for purposes of the small business exemption, average of 60 or fewer employees.

Ruling. X does not lose his exempt status. X is a firm that has an average of 60 or less employees as calculated by Economic Stabilization Regulation, 6 CFR 101.51(a)(3), 37 F.R. 8939 (May 3, 1972), and is considered exempt. X has expanded his operation and has hired 10 more employees to increase his average total employees to more than 60. Y is a firm that had an average of more than 60 employees as calculated by § 101.51(a)(3) and is considered non-exempt. Y now has expanded his operation to 60 employees and is considered exempt for purposes of the small business exemption, average of 60 or fewer employees.

Notice.

GRAND JURY INVESTIGATION
Department of Justice

SHERMAN ANTITRUST ACT—COLORADO RIVER WATER PROJECT
Delegation of Authority
Correction
In F.R. Doc. 72-8121, appearing at page 10682, in the issue of Wednesday, May 31, 1972, the ninth and 12th lines of the first paragraph, should be transferred, respectively.

DEPARTMENT OF THE TREASURY
Internal Revenue Service
[Cost of Living Council Ruling 1972-55]
SMALL BUSINESS EXEMPTION—AVG. OF 60 OR FEWER EMPLOYEES
Cost of Living Council Ruling
Facts. X is a firm that has an average of 60 or less employees as calculated by Economic Stabilization Regulation, 6 CFR 101.51(a)(3), 37 F.R. 8939 (May 3, 1972), and is considered exempt. X now has expanded his operation and has hired 10 more employees to increase his average total employees to more than 60.

Issue. Does X lose his exempt status and does Y gain exempt status? X is a firm that has an average of 60 or less employees as calculated by Economic Stabilization Regulation, 6 CFR 101.51(a)(3), 37 F.R. 8939 (May 3, 1972), and is considered exempt. X has expanded his operation and has hired 10 more employees to increase his average total employees to more than 60. Y is a firm that had an average of more than 60 employees as calculated by § 101.51(a)(3) and is considered non-exempt. Y now has expanded his operation to 60 employees and is considered exempt for purposes of the small business exemption, average of 60 or fewer employees.

Ruling. X does not lose his exempt status. X is a firm that has an average of 60 or less employees as calculated by Economic Stabilization Regulation, 6 CFR 101.51(a)(3), 37 F.R. 8939 (May 3, 1972), and is considered exempt. X has expanded his operation and has hired 10 more employees to increase his average total employees to more than 60. Y is a firm that had an average of more than 60 employees as calculated by § 101.51(a)(3) and is considered non-exempt. Y now has expanded his operation to 60 employees and is considered exempt for purposes of the small business exemption, average of 60 or fewer employees.

Notice.

GRAND JURY INVESTIGATION
Department of Justice

SHERMAN ANTITRUST ACT—COLORADO RIVER WATER PROJECT
Delegation of Authority
Correction
In F.R. Doc. 72-8121, appearing at page 10682, in the issue of Wednesday, May 31, 1972, the ninth and 12th lines of the first paragraph, should be transferred, respectively.

DEPARTMENT OF THE TREASURY
Internal Revenue Service
[Cost of Living Council Ruling 1972-56]
SMALL BUSINESS EXEMPTION—AVG. OF 60 OR FEWER EMPLOYEES
Cost of Living Council Ruling
Facts. X is a firm that has an average of 60 or less employees as calculated by Economic Stabilization Regulation, 6 CFR 101.51(a)(3), 37 F.R. 8939 (May 3, 1972), and is considered exempt. X now has expanded his operation and has hired 10 more employees to increase his average total employees to more than 60. Y is a firm that had an average of more than 60 employees as calculated by § 101.51(a)(3) and is considered non-exempt. Y now has expanded his operation to 60 employees and is considered exempt for purposes of the small business exemption, average of 60 or fewer employees.

Issue. Does X lose his exempt status and does Y gain exempt status? X is a firm that has an average of 60 or less employees as calculated by Economic Stabilization Regulation, 6 CFR 101.51(a)(3), 37 F.R. 8939 (May 3, 1972), and is considered exempt. X has expanded his operation and has hired 10 more employees to increase his average total employees to more than 60. Y is a firm that had an average of more than 60 employees as calculated by § 101.51(a)(3) and is considered non-exempt. Y now has expanded his operation to 60 employees and is considered exempt for purposes of the small business exemption, average of 60 or fewer employees.

Ruling. X does not lose his exempt status. X is a firm that has an average of 60 or less employees as calculated by Economic Stabilization Regulation, 6 CFR 101.51(a)(3), 37 F.R. 8939 (May 3, 1972), and is considered exempt. X has expanded his operation and has hired 10 more employees to increase his average total employees to more than 60. Y is a firm that had an average of more than 60 employees as calculated by § 101.51(a)(3) and is considered non-exempt. Y now has expanded his operation to 60 employees and is considered exempt for purposes of the small business exemption, average of 60 or fewer employees.
Y does not gain exempt status, since the price and pay adjustments of the employees of L have never been set by a master employment or other employment contract and the type described in §101.51(a) (2) (iv).

**Issue.** Whether a service organization which rents to transients may qualify for the small business exemption?

**Ruling.** Section 101.51(a) (1) provides in part that price and pay adjustments (but not rent increases or adjustments) of any firm, existing on or before December 31, 1971, with an average of 60 or fewer employees are exempt from and not included in the definition of the term "dwelling unit." Since L in the present case would be classified as a service organization, L is eligible for the exemption if it meets all the requirements of that section. However, the provisions of §101.51 do not modify the distinctions which were previously drawn from the regulations between the rental of real property (Part 301) and the sale of services (e.g., the lease of personal property or charge for hotel or motel rooms). This distinction was discussed in Price Commission Ruling 1972-57, 37 F.R. 2453 (February 16, 1972). It is clear that the parenthetical exception of rent increases or adjustments from the exemption provided in §101.51 only applies to "rents" as defined in Part 301. Consequently, since L in the present case would be classified as a service organization, L is eligible for the exemption if it meets all the requirements of §101.51.

This ruling has been approved by the General Counsel of the Cost of Living Council.

**Cost of Living Council Ruling 1972-58**

**SINGLE-FAMILY DWELLING UNITS**

**Cost of Living Council Ruling**

**Issue.** Does the building qualify for an exemption as a single family dwelling unit under the provisions of 6 CFR 101.33(a) (2) (iv)?

**Ruling.** Section 101.33(a) (2) (iv) as originally enacted, exempted single family dwelling units and rental units in owner-occupied multifamily dwellings which were rented for a term longer than month-to-month on January 1, 1972. Under the Economic Stabilization Regulations, provided the owner or members of his family do not own or have an interest in more than an aggregate of four such units. 6 CFR 101.33(a) (2) (iv). By amendment effective May 24, 1972, the owner-occupancy and longer than month-to-month requirements were removed from 101.33(a) (2) (iv). 37 F.R. 10493 (1972). In any case, the term "dwelling unit" means a building used in whole or in part for residential purposes. Thus, where it contains only a single dwelling unit used for residential purposes, the building may qualify for exemption as a single family dwelling unit under §101.33(a) (2) (iv).

This ruling has been approved by the General Counsel of the Cost of Living Council.

**Cost of Living Council Ruling 1972-59**

**APPLICATION OF REGULATIONS GOV­ERNING INSTITUTIONAL PROVIDERS OF HEALTH SERVICES TO INDIVIDUAL HOSPITALS**

**Price Commission Ruling**

**Issue.** Is a service organization which rents to transients entitled to the exemption provided in Part 301, 6 CFR 300.18(b), 36 F.R. 23584 (December 30, 1971), during its base period to raise its prices to reflect its allowable cost increases and wishes to increase aggregate annual revenues more than 6 percent. Considered separately, hospital A had a profit margin of 3 percent during its base period and hospital B's profit margin was 2 percent during its base period. Hospital A has incurred allowable cost increases and wishes to raise its prices to reflect these costs. An institutional provider of health services cannot increase a price over its base price that will increase its profit margin over that which prevailed during its base period. Economic Stabilization Regulations, 6 CFR 300.18(b), 36 F.R. 23584 (December 30, 1971), as amended 37 F.R. 3913 (February 24, 1972), during its base period was 6 percent. Considered separately, hospital A had a profit margin of 3 percent during its base period and hospital B's profit margin was 2 percent during its base period. Hospital A has incurred allowable cost increases and wishes to raise its prices to reflect these costs. An institutional provider of health services cannot increase a price over its base price that will increase its profit margin over that which prevailed during its base period. Economic Stabilization Regulations, 6 CFR 300.18(b), 36 F.R. 23584 (December 30, 1971), as amended 37 F.R. 775 (January 19, 1972). Also if a hospital's price increases indicate aggregate annual revenues more than 2.5 percent over the amount those revenues would have been had the provider charged its base prices, the hospital is required to file a price schedule and statement with the Internal Revenue Service and a price schedule with its Medicare intermediary. If the effect of the price increase is to increase aggregate annual revenues more than 6 percent the hospital must request an exception from the Price Commission. Economic Stabilization Regulations, 6 CFR 300.18(c), 36 F.R. 23584 (December 30, 1971).

**FEDERAL REGISTER, VOL. 37, NO. 113—SATURDAY, JUNE 10, 1972**
NOTICES

Issue. Whose profit margin and aggregate annual revenues should hospital A consider in determining if it can increase its prices?

Ruling. Institutional providers of health services include any hospital owned or operated by any person. Economic Stabilization Regulations, 6 CFR Part 300, Appendix I, 36 F.R. 23584 (December 30, 1971), as amended, 37 F.R. 775 (January 19, 1972) and 37 F.R. 7621 (April 18, 1972). Each hospital must use its own allowable cost increases to justify a price increase and use its own profit margin, not the profit margin of a larger entity (such as corporation X in this example) that operates the hospital. Therefore, the aggregate annual revenue requirements of § 300.18(c) of the regulations apply to each individual hospital.

Therefore hospital A must consider its own profit margin (3 percent) and its own aggregate annual revenues ($1.5 million) in determining if its proposed price increase is allowable.

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

Dated: June 5, 1972.

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

Approved: June 5, 1972.

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

[Price Commission Ruling 1972-183]

PROFIT MARGIN DETERMINATIONS

Price Commission Ruling

Facts. Company A, a manufacturing firm which uses a cost method of accounting in preparing its financial statements, generally writes down its inventory valuation each year by approximately $100,000. This write down reflects losses due to spoilage, obsolescence and other acceptable reasons. This year however, A proposes to write down its inventory $400,000 due to extraordinary reasons.

Issue. Is an inventory write down considered a general and recurring cost of business operations which may be used in determining A's profit margin?

Ruling. Economic Stabilization Regulation § 300.5, 6 CFR 300.5 (February 24, 1972), defines the term "Profit Margin" as "the ratio of the operating income (net sales less cost of sales and less normal and generally recurring costs of business operations, determined before nonoperating items; extraordinary items, and income taxes) bears to net sales as reported on the person's financial statement prepared in accordance with generally accepted accounting principles consistently applied." In accordance with this regulation general accounting theory is used instead of income tax accounting, and each expense in order to be allowable in calculating the profit margin, must be general, recurring, operational in nature and not extraordinary. Further, its use in financial statements in determining profit and loss, must be consistent with general accounting principles applied consistently.

On the above facts, an inventory write down would comply with all the requirements, except that this year the excessive amount would make it extraordinary. As such it cannot be used, this year, in determining A's profit margin in accordance with the regulations.

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

Dated: June 5, 1972.

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

Approved: June 5, 1972.

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

[Price Commission Ruling 1972-184; Cost of Living Council Ruling 1972-54]

RETROACTIVE PAYMENTS

Price Commission Ruling and Cost of Living Council Ruling

Facts. The Postal Service has a procedure for adjusting the payments it makes to contractors who carry mail in order to compensate them for unexpected cost increases. X, a contractor, applied and filed for such an increase in May 1971, for its various routes. The requests were neither granted nor denied due to the transition problems August 15, 1971. It is clear that the subsequence freeze did not give an obligor the right to retroactively increase its past obligations due for services rendered prior to August 15, 1971. X can collect increased payments from the Post Office for services performed during this period even though such approval occurred after August 15, 1971.

Issue. If the Post Office approves such requests after August 15, 1971, will such payments to X violate the Economic Stabilization Act?" "Ruling. X has performed services for the Post Office during the period prior to August 15, 1971. It is clear that the subsequent freeze did not give an obligor the right to retroactively increase its past obligations due for services rendered prior to August 15, 1971. X can collect increased payments from the Post Office for services performed during this period even though such approval occurred after August 15, 1971.

As for compensation for services rendered by X during the August 15 to November 13, 1971, period, X can also collect the increased payments for this period. Under Phase I, the ceiling price for a service is the highest price at which a seller furnished the service in a substantial number of transactions during the base period. Economic Stabilization Regulation No. 1, section 3a(1), 36 F.R. 16515 (August 21, 1971). A "transaction" under Phase I takes place when the seller performs the service. Economic Stabilization Circular No. 101.302(1). Since X has performed services during the pre-August 15, 1971, period at a higher price, the ceiling price during the freeze will be the higher price subsequently granted by the Post Office.

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

Dated: June 6, 1972.

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

Approved: June 6, 1972.

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

[Bureau of Alcohol, Tobacco, and Firearms

Establishment, Organization, and Functions

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1959, it is ordered that:

1. The purpose of this order is to transfer, as specified herein, the functions, powers, and duties of the Internal Revenue Service arising under laws relating to alcohol, tobacco, firearms, and explosives (including the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service), to the Bureau of Alcohol, Tobacco, and Firearms (hereinafter referred to as the "Bureau") which is hereby established. The Bureau shall be headed by the Director, Bureau of Alcohol, Tobacco, and Firearms (hereinafter referred to as the Director). The Director shall perform the general direction of the Secretary of the Treasury (hereinafter referred to as the "Secretary") and under the supervision of the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations) (hereinafter referred to as the Assistant Secretary).

2. The Director shall perform the functions, exercise the powers, and carry out the duties of the Secretary in the administration and enforcement of the following provisions of law:

(a) Chapters 51, 52, and 53 of the Internal Revenue Code of 1954 and sections 7652 and 7653 of such Code insofar as they relate to the commodities subject to tax under such chapters;

(b) Chapters 61 to 80, inclusive, of the Internal Revenue Code of 1954, so far as they relate to activities administered and enforced with respect to chapters 51, 52, and 53;

(c) The Federal Alcohol Administration Act (27 U.S.C. Chapter 8);
forms, shall be held to mean Regional Director.

regulations, rules, * instructions, and forms, which are in effect or in use on the effective date of this order, shall be held to have the same meaning as if used in regulations, rules, instructions, and forms of the Bureau.

The above terms, when used in regulations, rules, instructions, and forms of Government agencies other than the Internal Revenue Service, including those of the Assistant Regional Commissioners (Alcohol, Tobacco and Firearms), Internal Revenue Service, shall continue to be performed by the Bureau all positions, personnel, records, property, and unexpended balances of appropriations, allocations, and other funds, of the Chief Counsel of the Bureau such functions, powers, and duties delegated to the Director may be issued by him with the approval of the Secretary.

All existing activities relating to the collection, processing, depositing, or accounting for taxes (including penalties and interest), fees, or other moneys (relating to liquor traffic) wherever used in regulations, rules, instructions, and forms, issued or adopted by the Commissioner of Internal Revenue, wherever used in such regulations, rules, instructions, or orders of the Secretary, shall continue to be performed under the laws specified in paragraph 2 hereof, which are in effect or in use on the effective date of this order.

All existing activities relating to the laws specified in paragraph 2 hereof which are in effect or in use on the effective date of this order, shall continue in effect as regulations, rules, instructions, and forms of the Bureau until superseded or revised.

All existing activities relating to the laws specified in paragraph 2 hereof which are in effect or in use on the effective date of this order, shall continue in effect as regulations, rules, instructions, and forms of the Bureau until superseded or revised.

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All existing activities relating to the laws specified in paragraph 2 hereof which are in effect or in use on the effective date of this order, shall continue in effect as regulations, rules, instructions, and forms of the Bureau until superseded or revised.

The terms "Assistant Regional Commissioner" wherever used in such regulations, rules, instructions, and forms, in any law specified in paragraph 2 above, and in 18 U.S.C. 1114, shall include all officers and employees of the United States engaged in the administration and enforcement of the laws administered by the Bureau, who are appointed or employed by, or pursuant to the authority of, or who are subject to the directions, instructions, or orders of, the Secretary.

The above terms, when used in regulations, rules, instructions, and forms, issued or adopted by the Commissioner of Internal Revenue, wherever used in such regulations, rules, instructions, and forms, shall continue to be performed under the laws specified in paragraph 2 hereof, shall be held to have the same meaning as if used in regulations, rules, instructions, and forms of the Bureau.

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The above terms, when used in regulations, rules, instructions, and forms, issued or adopted by the Commissioner of Internal Revenue, wherever used in such regulations, rules, instructions, or orders of the Secretary, shall continue to be performed under the laws specified in paragraph 2 hereof, shall be held to have the same meaning as if used in regulations, rules, instructions, and forms of the Bureau.

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NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration

[DES 10423]
LEVALLOPHAN TARTRATE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice published in the Federal Register of April 9, 1971 (36 F.R. 6644), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on levallophan tartrate injection, marketed as Lorfan Injection by Roche Laboratories, Division of Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley, N.J. 07110 (NDA 10-423). The notice stated that the drug was regarded as effective, probabilistically effective, and possibly effective for its various labeled indications. The indications classified as probably effective (treatment of nausea-induced respiratory depression) and possibly effective (for use in the prevention of narcotic-induced respiratory depression) have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted pursuant to the notice of April 9, 1971. Roche Laboratories, holder of the only new-drug application, for levallophan tartrate injection, applied to implement the application to delete from labeling all indications other than those regarded as effective, and the supplement has been approved.

Any new preparation, for human use, introduced into interstate commerce after 60 days following publication of this notice in the Federal Register with labeling bearing indications for which the drug lacks substantial evidence of effectiveness, may be subject to regulatory proceedings.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120). Dated: June 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-8773 Filed 6-9-72;8:46 am]

[DES 8312]
OXYTETRACYCLINE HYDROCHLORIDE TOPICAL POWDER

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DES 8312) published in the Federal Register of July 3, 1971 (36 F.R. 12706), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following preparation:

Terramycin Topical Powder containing oxytetracycline hydrochloride; Pfizer, Inc., 235 East 42nd Street, New York, N.Y. 10017 (NDA 8-312).

The notice stated that the drug was regarded as possibly effective for its labeled indications relating to the treatment of superficial infections of the skin and infected dermatoes. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of July 3, 1971.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for release. There is no antibiotic drug regulation which provides for certification of this preparation.

Any person who will be adversely affected by this action may, within 30 days after the date of publication of this notice in the Federal Register, petition for the issuance of a regulation providing for certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-26, 5600 Fishers Lane, Rockville, Md. 20852:

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120). Dated: June 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-8772 Filed 6-9-72;8:45 am]

SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5)), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP No. 6-648V and Vineland Aquaculture by Vineland Laboratories, Inc., 2285 East Landis Avenue, Vineland, N.J., proposing that benzyl bromo acetate may be amenable to standardization as a slimicide in the production of paper and paperboard intended to contact food.

Dated: June 1, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-8768 Filed 6-9-72;8:45 am]

Social and Rehabilitation Service
OFFICE OF PROGRAM PLANNING AND EVALUATION
Statement of Organization, Functions, and Delegations of Authority

Part 5 of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (25 F.R. 8712, June 4, 1970), is hereby amended with regard to section 5-B, Organization and Functions, for the purpose of reorganizing the Office of the Assistant Administrator for Program Planning and Evaluation. Section 5-B of the statement is hereby amended, by superseding the...
NOTICE

Office of the Assistant Administrator for Program Planning and Evaluation with the following:

OFFICE OF PROGRAM PLANNING AND EVALUATION

This Office, headed by an Assistant Administrator, has primary responsibility for advising the Administrator and Associate Administrator for Planning, Research, and Training in matters concerning the planning and evaluation of SRS programs and their alternatives. Provides leadership, technical assistance, guidance, and coordination to program units in matters pertaining to planning and evaluation. Serves as a contact point for the Office of the Administrator with the Office of the Assistant Secretary for Planning and Evaluation. Within this framework, the Office provides agency-wide policy direction and coordination in the development and implementation of the biennial strategic plan, and in the SRS annual plan, insuring its adequacy as a basis for deriving annual budget submissions and annual operating plans. In this regard, the Office initiates and directs studies and analyses of program objectives and accomplishments, compares benefits and costs of alternative programs, and explores future needs in relation to planning programs. To support these activities, the Office provides leadership and direction in: (a) the development of study methodologies, measures of program performance, and data to support their implementation; and (b) the design and implementation of agency-wide planning systems and procedures for insuring the optimal participation of SRS organizational units in the development and adoption of the SRS long-range plan and its linkage to operational plans and budgets.

Dated: June 6, 1972.

S. D. Kohlert,
Deputy Assistant Secretary for Management.

Social Security Administration

NOTICE OF FINDING REGARDING FOREIGN SOCIAL SECURITY OR PENSION SYSTEM

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that Liechtenstein beginning July 1, 1968, has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Liechtenstein, who leave Liechtenstein, are permitted to receive such benefits or their actuarial equivalent in the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Liechtenstein has in effect a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding with respect to Liechtenstein published in the Federal Register on February 13, 1963 (28 F.R. 1377).

Dated: June 2, 1972.

Hugh F. McKenna,
Director, Bureau of Retirement and Survivors Insurance.

DEPARTMENT OF TRANSPORTATION

COAST GUARD

PROPOSED OHIO RIVER BRIDGE AT HUNTINGTON, W. VA.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commandant, Second Coast Guard District at 9:30 a.m., July 13, 1972, in the City Hall Auditorium, Huntington, W. Va.

The purpose of the hearing is to consider the application dated October 21, 1971, from the West Virginia Department of Highways for approval of the location and plans of a bridge proposed to be constructed across the Ohio River, mile 305.12. The continuation of the overhead structure from the Ohio River bridge would cross the Guyandot River. Interested parties were given an opportunity to submit written comments on the application to the Commandant, Second Coast Guard District by public notice No. 2-106 dated December 6, 1971. By notice No. 2-112 dated January 4, 1972, the limit for reply was extended to January 31, 1972. A draft environmental impact statement has been prepared by the Coast Guard and circulated for comment in accordance with the intent and provision of 72(c) of the National Environmental Policy Act of 1969 (43 Stat. 835).

In response to the notice and draft environmental statement, controversy has been generated with a number of persons submitting objections to the project on the basis of its effect on navigation and the environment. The applicant agreed to revise the permit drawings to be more fully in compliance with the reasonable needs of navigation. The revised drawings are under consideration at this time. This hearing is being held essentially to hear views and to gather additional information that may be available from the general public concerning the impact of the proposed bridge project on the quality of the environment. However, all interested persons may give their data, views, and comments orally, or in writing at the public hearing concerning the impact of the proposed bridge project on navigation and as the project relates to public recreational areas, wildlife and waterfowl refuges, public parks and historical sites which are of National, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof.

The hearing will be informal and will be conducted by a representative of the Commandant, Second Coast Guard District, who will make an opening statement presenting a brief summary of the proposed bridge project and who will announce the procedures for conduct of the hearing. A transcript of the hearing will be made and anyone may purchase a copy of the transcript from the reporting service. Interested persons who are unable to attend the hearing may also participate in this procedure by submitting written comments, data, views, or arguments as they may desire on or before July 27, 1972. All submissions should be directed to the Commandant, Second Coast Guard District, Federal Building, 1820 Market Street, St. Louis, MO 63103. Each communication received within the time specified will be fully considered and evaluated before final action is taken.

After the time established for the submission of comments by the interested parties, the Commandant, Second Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the
proposed bridge project, to the Chief, Office of Marine Environment and Systems, Coast Guard, Washington, D.C.
The Chief, Office of Marine Environment and Systems, will therefor make a final determination with respect to the proposed project.

(Sec. 502, 36 Stat. 947, as amended, sec. 4(f), as amended and sec. 6 (c), (g), 60 Stat. 584 and 941; 33 U.S.C. 525, 49 U.S.C. 1653(f) and 1858(g) (6) (c); and 49 CFR 1.46(e) (10))

Dated: June 7, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 72–8822 Filed 6–9–72; 8:47 am]

**NOTICES**

**Hazardous Materials Regulations Board**

**SPECIAL PERMITS ISSUED OR DENIED**

**JUNE 5, 1972.**

Pursuant to Docket No. HM–1, rule making procedures of the Hazardous Materials Regulations Board, issued May 22, 1972 (33 F.R. 2874), and Section 102, 49 CFR Part 170, following is a list of new DOT special permits upon which Board action was completed during May 1972:

<table>
<thead>
<tr>
<th>Special Permit No.</th>
<th>Issued to—Subject 4</th>
<th>Mode of transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>6616</td>
<td>Shippers registered with this Board to ship bromonitromethane pressurized with nitrogen in non-DOT spherical, steel pressure vessels manufactured in compliance with DOT Specification 4BA with certain exceptions.</td>
<td>Highway, Passenger carrying aircraft, Cargo-carrying aircraft, Water, Cargo-only aircraft.</td>
</tr>
<tr>
<td>6617</td>
<td>Shippers registered with this Board to ship nonflammable, nonpoisonous aerosol formulations as prescribed in §172.304 (a) (3) except inside metal cans may have capacity not exceeding 66 cubic inches and, in addition to other requisites, must have safety valves and must be packaged in DOT-125 fiberglass boxes.</td>
<td>Highway, Rail, Water.</td>
</tr>
<tr>
<td>6618</td>
<td>Shippers registered with this Board to ship propyl phosphonic dichloride and propyl phosphonate dichloride in DOT Specification 81 portable tanks and MC-312 cargo tanks constructed of 316 stainless steel; and 111A60W7 tank cars.</td>
<td>Highway, Rail.</td>
</tr>
<tr>
<td>6619</td>
<td>Shippers registered with this Board to ship methyl parathion in a MC—304 tank motor not exceeding 440 pounds, not water or any other liquid in DOT specification 4BA with certain exceptions.</td>
<td>Highway, Water.</td>
</tr>
<tr>
<td>6620</td>
<td>Shippers registered with this Board to ship sodium nitrite as specified in § 173.234(a) (2) of the Hazardous Materials Regulations.</td>
<td>Highway, Rail, Water.</td>
</tr>
<tr>
<td>6621</td>
<td>Shippers registered with this Board to ship methyl bromide, liquids and methyl bromide and chlorobenzene, nuxcretes in inside metal cans not exceeding 24 ounces not weight each.</td>
<td>Highway, Rail, Water.</td>
</tr>
<tr>
<td>6622</td>
<td>Shippers registered with this Board to ship sodium nitrate as specified in § 173.238(a) (2) in less than end-dated and less than truckload quantities.</td>
<td>Highway, Rail, Water.</td>
</tr>
<tr>
<td>6623</td>
<td>Chemtech Corporation, St. Louis, Missouri to ship hydrochloric acid not exceeding 10 percent strength in DOT Specification 164W and 161A00W2 tank cars.</td>
<td>Highway, Rail.</td>
</tr>
<tr>
<td>6624</td>
<td>Shippers registered with this Board to ship magnesium nitrate, nickel nitrate, and zinc nitrate in multi-wall paper bags excepting 50 pounds not weight.</td>
<td>Highway, Rail.</td>
</tr>
<tr>
<td>6625</td>
<td>Shippers registered with this Board to ship sodium percarbonate, wet, with less than 20 percent of water by weight in DOT specification 21P/2U package.</td>
<td>Highway, Rail.</td>
</tr>
<tr>
<td>6626</td>
<td>Shippers registered with this Board to ship high quality, 100 percent sulfuric acid in DOT specification 105W tank cars constructed of type 304-L stainless steel.</td>
<td>Highway, Rail.</td>
</tr>
<tr>
<td>6627</td>
<td>Shippers registered with this Board to ship ammonium phosphate pressurized with air in non-DOT spherical, steel pressure vessels manufactured in compliance with DOT Specification 4B with certain exceptions.</td>
<td>Highway, Water.</td>
</tr>
<tr>
<td>6628</td>
<td>Shippers registered with this Board to ship large quantities of radioactive materials, n.b. 1, in inner lead-lined, stainless steel container vessel (design No. 1300).</td>
<td>Highway, Water.</td>
</tr>
<tr>
<td>6629</td>
<td>Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference on or before June 13, 1972.</td>
<td>Highway, Water.</td>
</tr>
<tr>
<td>6631</td>
<td>Applicant states that the application in the instant docket is not a request for a 1-year extension of the authorization granted in Docket No. CT71–783. He states further that during the year in which the Pepper and Thornton wells were produced under the contract under which sales authorized in Docket No. CT71–783 were made, the Pepper well was recommissioned and a new sand lens was added to production in the well and that operation of these wells during this period has resulted in improved techniques and development of a probable deeper horizon.</td>
<td>Highway, Water.</td>
</tr>
</tbody>
</table>

Applicant states that the No. 1 Williamssen well has been drilled through into the Smackover formation into the Salt and that attempts will be made to produce from the Smackover formation and also to produce from the Cotton Valley and Hosston formations, which are productive in the No. Thornton and No. 1 Pepper wells. He states further that the techniques which he has developed in this area through the drilling and producing of these wells has resulted in what upon a successful reentry in Upshur County and two new deep tests to be drilled in Harrison County.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications as supplemented, is advised to file on or before June 10, 1972, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s rules of practice and procedure (18 CFR 1.8 or 1.10). All protest tests and interventions need not file

**CIVIL AERONAUTICS BOARD**

[Docket No. 24530]

**IBERIA AIR LINES OF SPAIN**

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit; Madrid-San Juan-Miami

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 18, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1225 Connecticut Ave., N.W., Washington, D.C., before Associate Chief Examiner Robert L. Park.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference on or before June 13, 1972. Dated at Washington, D.C., June 7, 1972.

[SEAL]

RALPH L. WISER,
Chief Examiner.

[FR Doc. 72–8811 Filed 6–9–72; 8:47 am]

**FEDERAL POWER COMMISSION**

[Docket No. CT72–766]

**JAMES M. FORGOTSON, SR.**

Further Notice of Application

JUNE 7, 1972.

Take notice that on June 2, 1972, James M. Forgetson, Sr. (applicant), 409 Beck Building, Shreveport, La. 71101, filed in Docket No. CT72–766 a supplementary application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Southwest Tatum, Hosston-Cotton Valley Field, Rusk County, Tex., which supplement describes the source of the gas proposed to be sold, all as more fully set forth in the supplement to the application which is on file with the Commission and open to public inspection. If such application in the instant docket is filed within the contemplation of § 2.70 of the Commission’s general policy and interpretations (18 CFR 2.70), Applicant states that the application in the instant docket is not a request for a 1-year extension of the authorization granted in Docket No. CT71–783. He states further that during the year in which the Pepper and Thornton wells were produced under the contract under which sales authorized in Docket No. CT71–783 were made, the Pepper well was recommissioned and a new sand lens was added to production in the well and that operation of these wells during this period has resulted in improved techniques and development of a probable deeper horizon.

Applicant states that the No. 1 Williamsson well has been drilled through into the Smackover formation into the Salt and that attempts will be made to produce from the Smackover formation and also to produce from the Cotton Valley and Hosston formations, which are productive in the No. Thornton and No. 1 Pepper wells. He states further that the techniques which he has developed in this area through the drilling and producing of these wells has resulted in what upon a successful reentry in Upshur County and two new deep tests to be drilled in Harrison County.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications as supplemented, is advised to file on or before June 10, 1972, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s rules of practice and procedure (18 CFR 1.8 or 1.10). All protest tests and interventions need not file again.

KENNETH F. FLUMA,
Secretary.

[FR Doc. 72–8777 Filed 6–9–72; 8:46 am]
NOTICES

ORDER ACCEPTING PROPOSED INCREASED RATE WITHOUT SUSPENSION AND GRANTING REQUEST FOR RATE INVESTIGATION AND HEARING

JUNE 1, 1972.

Pennsylvania Electric Co. (Pennsylvania), on March 20, 1972, filed rate schedule changes for wholesale service to municipal utilities and investor-owned utilities to be effective on June 1, 1972.

The new schedule designated FPC Electric Tariff, Original Volume No. 1, Rate RP, will supersede FPC Schedules Nos. 50, 51, 52, 53, 55, 56, 54, and 55.

Concurrently with the new rate schedules, Pennsylvania also requests investigation of its contract rate for supplemental service to Allegheny Electric Cooperative, Inc., and filed cost of service materials to provide information as to whether the present rate for supplemental power service to Allegheny should be terminated. Copies of a proposed rate schedule for service to Allegheny and supporting testimony were also filed. Pennsylvania further requests that the Commission permit the proposed tariff to become effective without suspension, or, in the event of suspension, that the Commission select a suspension period of, at most, 30 days.

Pennsylvania states that the proposed FPC Electric Tariff, Original Volume No. 1 and Rate RP will increase revenues by $383,888 on a 1970 test year basis. The proposed tariff changes add a fuel cost adjustment clause and standardize the proposed general terms and conditions of service. Pennsylvania further states that its proposed rates produce a rate of return of 7.77 percent on sales to the municipal customers and 7.46 percent on sales to the investor-owned companies.

Notice of the filing was issued on April 20, 1972, with comments, protests, or petitions to intervene due on or before April 17, 1972. No comments, protests, or petitions to intervene have been filed except a petition to intervene and a request for rehearing were timely filed by Allegheny Electric Cooperative (Allegheny) with regard to the proposed section 206 investigation.

In support of the proposed rate increase, Pennsylvania submitted a cost of service study for the test year 1970 using a rate of return of 8.54 percent in its study, but proposed rates yielding a lower return of 7.52 percent.

On the basis of the record before us we are unable to conclude that suspension of the proposed rate schedule changes for wholesale service proposed herein would be in the public interest or that a hearing is necessary or required under the provisions of section 205 of the Federal Power Act. Accordingly, Pennsylvania’s proposed rate schedule changes should be accepted for filing, effective June 1, 1972, with the requirement that appropriate service agreements be filed as hereinafter ordered.

The request to reject filed by Allegheny and the Company’s answer in response have raised issues of fact that can only be resolved in an evidentiary hearing. Therefore, Allegheny’s request for rejection of an investigation of its rates under section 206 of the Federal Power Act should be denied.

The Commission finds:

(1) Pennsylvania’s proposed FPC Electric Tariff, Original Volume No. 1, Rate RP, tendered for filing on March 20, 1972, and the rate schedules designated in Appendix A are accepted for filing.

(2) The former price, consisting of Pennsylvania’s FPC Electric Tariff, Original Volume No. 1, Rate RP, is not inconsistent with the Economic Stabilization Act of 1970, as amended, and the rate contained therein is approved for supplementation effective on June 1, 1972, without suspension.

(3) It is necessary and proper in the public interest to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing, under section 206 of the Federal Power Act, of Pennsylvania’s contract rate to Allegheny.

(4) Participation by Allegheny Electric Cooperative in this proceeding may be in the public interest.

The Commission orders:

(A) Pennsylvania’s proposed FPC Electric Tariff, Original Volume No. 1, Rate RP, tendered for filing on March 20, 1972, and the rate schedules designated in Appendix A are accepted for filing.

(B) The rate change set forth in Pennsylvania’s FPC Electric Tariff, Original Volume No. 1, Rate RP, is not inconsistent with the Economic Stabilization Act of 1970, as amended, and the rate contained therein is approved for supplementation effective on June 1, 1972, without suspension.

(C) Pursuant to the authority of the Federal Power Act, including sections 205, 206, and 309 thereof, the Commission’s rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held in a hearing room of the Federal Power Commission in the course of this proceeding.

(D) Staff will serve its direct case no later than August 4, 1972. Intervenors will serve their direct cases no later than September 19, 1972. Cross-examination of all evidence shall commence October 10, 1972.

(E) The Presiding Examiner to be designated by the Chief Examiner for that purpose (sec. 3.5 of Order of Authority, 10 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 3.50 of the Commission’s rules of practice and procedures.

(F) The aforementioned petitioner for intervention is hereby permitted to intervene in this proceeding. The proposed tariff and the rules and regulations of the Commission: Provided, however, That participation of such intervenors shall be limited to the matters affecting asserted rights and interests of the intervenors.

(G) This order is without prejudice to any findings or orders which have been made or may hereafter be made by this Commission in this proceeding.

(H) This order shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(CERTIFICATION OF RATE INCREASE)

With respect to the price increase granted in this instance under the Economic Stabilization Act of 1970, as amended, the Commission certifies the following:

(1) The former price, consisting of Pennsylvania’s schedule of charges entitled Resale Power Service (RPS), is set forth in Pennsylvania’s Rate Schedules FPC Nos. 35, 33, 36, 51, 34, 50, 51, 52, 53, 54, and 55. For the test year, 1970, the average revenue per kilowatt-hour under these rate schedules was $12.5 mills. For the test year, 1970, the average revenue per kilowatt-hour, as amended by Public Law 92-15, 85 Stat. 38, was increased to 12.9 mills for the corresponding sales. This rate increase is 3.79 percent, and will add an increase in average revenue per kilowatt-hour of 0.39 percent.

(2) The amount of increased revenue that would have been provided under the increased rates for the test year, 1970, is $333,838.

(3) The increased rates would produce an increase in the company’s profits for the test year, 1970, of $175,643. This would represent an increase in the company’s profits for the test year, 1970, of $175,643. This represents 13.77 percent of sales under rate RPS and 0.18 percent of total sales for the test year, 1970.

(4) The increased rates would produce an increase in the company’s return of $1,756,432. This would represent an increase in the rate of return on capital allocable to the service under rate RPS of 2.54 percent and an increase in the rate of return on total capital of 0.02 percent.

(5) Sufficient evidence was taken in the course of this proceeding to determine that criteria set forth in paragraphs (d) (1) through (4) of § 300.16 of the rules and regulations of the Price Commission (as in effect on January 17, 1972) have been met.

(6) The rate increase granted in this proceeding meets the criteria set out in paragraphs (d) through (4) of § 300.16 for the following reasons:

(a) The increased rates are justified based on allocated costs of service and do not reflect inflationary expectations.
NOTICES

(ii) The increase is the minimum required to assure continued, adequate, and safe service.

(iii) The realized return for transactions under the increased rates will not exceed the minimum rate of return or profit margin needed to attract capital and will not impair the credit of the utility.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A
RATE SCHEDULE DESCRIPTIONS AND DESIGNATIONS
PENNSYLVANIA ELECTRIC COMPANY

<table>
<thead>
<tr>
<th>Rate schedule designation</th>
<th>Superseding</th>
<th>Other party</th>
<th>Instrument</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplement No. 2 to Rate Schedule FPC No. 33</td>
<td>Supplement No. 1 to Rate Schedule FPC No. 34</td>
<td>Wellsborough Electric Co.</td>
<td>Do.</td>
</tr>
<tr>
<td>Supplement No. 2 to Rate Schedule FPC No. 36</td>
<td>Supplement No. 1 to Rate Schedule FPC No. 36</td>
<td>Rockingham Light, Heat, and Power Co.</td>
<td>Do.</td>
</tr>
<tr>
<td>Rate Schedule FPC No. 64, Rate Schedule FPC No. 80</td>
<td>Rate Schedule FPC No. 64, Rate Schedule FPC No. 80</td>
<td>Borough of Berlin, Pa.</td>
<td>Do.</td>
</tr>
<tr>
<td>Rate Schedule FPC No. 65, Rate Schedule FPC No. 81</td>
<td>Rate Schedule FPC No. 65, Rate Schedule FPC No. 81</td>
<td>Borough of Conemaugh, Pa.</td>
<td>Do.</td>
</tr>
<tr>
<td>Rate Schedule FPC No. 66, Rate Schedule FPC No. 82</td>
<td>Rate Schedule FPC No. 66, Rate Schedule FPC No. 82</td>
<td>Borough of Hooversville, Pa.</td>
<td>Do.</td>
</tr>
<tr>
<td>Rate Schedule FPC No. 67, Rate Schedule FPC No. 83</td>
<td>Rate Schedule FPC No. 67, Rate Schedule FPC No. 83</td>
<td>Borough of Summerhill, Pa.</td>
<td>Do.</td>
</tr>
<tr>
<td>Rate Schedule FPC No. 68, Rate Schedule FPC No. 84</td>
<td>Rate Schedule FPC No. 68, Rate Schedule FPC No. 84</td>
<td>Waterford Electric Light Co.</td>
<td>Do.</td>
</tr>
<tr>
<td>Rate Schedule FPC No. 69, Rate Schedule FPC No. 85</td>
<td>Rate Schedule FPC No. 69, Rate Schedule FPC No. 85</td>
<td>Winfield Electric Corp.</td>
<td>Do.</td>
</tr>
<tr>
<td>FPC Electric Tariff</td>
<td>FPC Electric Tariff</td>
<td>None, pending receipt of service agreements.</td>
<td>Original Sheets Nos. 1 through 15.</td>
</tr>
</tbody>
</table>

File date: March 20, 1972.

Effective date: June 1, 1972 (60 days after filing).

[FR Doc. 72-8714 Filed 6-9-72; 8:45 am]

SOUTHERN UNION PRODUCTION CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund 1

JUNE 2, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

FEDERAL REGISTER, VOL. 37, NO. 113—SATURDAY, JUNE 10, 1972
8. The apace therein was deduced under a contract dated on or after Oct. 1, 1968. 2. The apace therein was deduced under a contract dated on or after Oct. 1, 1968.

The proposed decreases filed by Southern Union Production Co., production area in Eddy County, Tex., Permian Basin Area, are suspended until June 4, 1972, pursuant to § 300.16(i) (3) of the Price Commission regulations. 1

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.

** Consistent with El Paso's San Juan Basin contract renegotiation program.

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.

** Consistent with El Paso's San Juan Basin contract renegotiation program.
NOTICES

ZIONS UTAH BANCORPORATION
Acquisition of Bank

Zions Utah Bancorporation, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares of Zions National Bank of Ogden, Ogden, Utah, a proposed new bank. 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 San Francisco. 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 26, 1972.


[Seal]

MICHAEL A. GREENSPAN,
Assistant Secretary.

(FR Doc. 72-8779 Filed 6-9-72; 8:46 am)

SEcurities AND EXchange COMMISSION
[812-2001]

PITTSBURGH COKE & CHEMICAL CO.
Notice of Filing of Amended Application for Order Exempting Proposed Merger

JUNE 6, 1972.

Notice is hereby given that the Hillman Co. (Applicant), a Pennsylvania corporation, has filed an amendment to its application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of the Act the proposed merger pursuant to which Pittsburgh Coke & Chemical Co. (Pittsburgh Coke), 603 Goldsborough Building, Wilmington, Del. 19801, a closed-end, nondiversified investment company registered under the Act, will be merged into Pittsburgh-Wilmington, Inc. (Surviving Corporation), a Delaware corporation. All interested persons are referred to the application, as amended, for a complete statement of Applicant's representations therein, which are summarized below.

The application was originally described in a notice of filing issued by the Commission on December 21, 1971 (Investment Company Act Release No. 6907) which gave any interested person an opportunity to file a request for a hearing on the matter. Certain interested persons (Interested Persons) requested a hearing. They contended the representations made in the application that the terms of the proposed transaction were fair and reasonable, did not involve overreaching and were consistent with the policy of Pittsburgh Coke and with the general purpose of the Act. On March 3, 1972, the Commission ordered that a hearing be held (Investment Company Act Release No. 7639).

Prior to the commencement of the hearing, an agreement was reached between the Interested Persons and the Applicant concerning the computation of the net asset value of Pittsburgh Coke. As a result of this agreement, the Interested Persons have withdrawn their request for a hearing and the hearing has been canceled pursuant to an order of the Commission. Applicant has amended its application to incorporate the new terms of the proposed merger.

Applicant owns 715,004 shares (approximately 96 percent) of the742,893 issued and outstanding shares of common stock of Pittsburgh Coke. The remaining 27,889 shares of such outstanding common stock are owned of record by approximately 245 stockholders.

Applicant proposes to transfer its shares of the common stock of Pittsburgh Coke to the Surviving Corporation in exchange for authorized and outstanding shares of common stock of the Surviving Corporation. Thereafter, the Surviving Corporation will adopt a plan of reorganization pursuant to which it, as owner of approximately 96 percent of the issued and outstanding shares of common stock of Pittsburgh Coke, will merge Pittsburgh Coke into itself under section 253 of the General Corporation Law of the State of Delaware. Section 253 does not require the merger to be approved by the stockholders of either the Surviving Corporation or Pittsburgh Coke or by the Board of Directors of Pittsburgh Coke. However, the Board of Directors of Pittsburgh Coke will adopt the plan of reorganization providing for the merger.

The resolutions of the Board of Directors of the Surviving Corporation authorizing such merger will provide that upon the effective date of such merger all the issued shares of common stock of Pittsburgh Coke will be converted and declared to be the stockholders of Pittsburgh Coke other than the Surviving Corporation, upon surrendering to the Surviving Corporation the certificates representing shares of such common stock, shall be paid in cash for each of such shares the value per share to be calculated as described below. The name of the Surviving Corporation will be changed to Wilmingi, Inc. (Surviving Corporation), a Delaware corporation.

The application for Order Exempting Proposed Merger will be calculated by using, with respect to securities held by Pittsburgh Coke, either the closing prices on national securities exchanges or the last bid prices in the over-the-counter market, as the case may be, as of the close of business on the business day immediately preceding the effective date of the proposed merger.

[Seal]

MICHAEL A. GREENSPAN,
Assistant Secretary.

(FR Doc. 72-8779 Filed 6-9-72; 8:46 am)

1. Marion Power Shovel, United States Concrete Pipe, and Neville Land Co., subsidiaries of Pittsburgh Coke, valued at $47,790,000.

2. Standard Aircraft Equipment, and Penguiney Industries, also subsidiaries of Pittsburgh Coke, valued at Pittsburgh Coke's share of the unarising equity in such companies as of December 31, 1971, as shown by their respective books and as audited by their respective independent public accountants.

3. Von Stein Land Co. valued at its underlying book value as of the date of valuation, adjusted upwards to reflect the appraisal value of its land.

4. All other assets net of liabilities valued at cost as of December 31, 1971, as audited, adjusted for securities transactions subsequent to that date.

In computing the value per share of Pittsburgh Coke common stock, no deduction will be taken for applicable income taxes on unrealized appreciation.

If during the notice period, any event should occur which in the opinion of the Interested Persons, Applicant, or the Commission makes the application for Order Exempting Proposed Merger and the Surviving Corporation results in any significant increase in the value per share of Pittsburgh Coke common stock over and above the value as determined in the notice of filing has been changed and includes the following:

1. Marion Power Shovel, United States Concrete Pipe, and Neville Land Co., subsidiaries of Pittsburgh Coke, valued at $47,790,000.

2. Standard Aircraft Equipment, and Penguiney Industries, also subsidiaries of Pittsburgh Coke, valued at Pittsburgh Coke's share of the unarising equity in such companies as of December 31, 1971, as shown by their respective books and as audited by their respective independent public accountants.

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In computing the value per share of Pittsburgh Coke common stock, no deduction will be taken for applicable income taxes on unrealized appreciation.
NOTICES

[File No. 500-1]

TANGER INDUSTRIES
Order Suspending Trading

JUNE 6, 1972.

The common stock, $1 par value, of Tanger Industries being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Tanger Industries being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(1) of the Securities Exchange Act of 1934, that trading in such securities on such exchange and otherwise than on a national securities exchange is required for the period from June 7, 1972, through June 16, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc.72-8800 Filed 6-9-72;8:46 am]

VOLT INFORMATION SCIENCES, INC.
Notice of Filing of Application for Order Exempting Transaction

JUNE 6, 1972.

Notice is hereby given that Volt Information Sciences, Inc. (Applicant), 640 West 40th Street, New York, NY 10018, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) and Rule 17d-l thereunder, and that the applicant is exempt from the provisions of section 17(a) of the Act a proposed transaction and permitting such transaction pursuant to section 17(d) of the Act and Rule 17d-l thereunder.

Applicant proposes to purchase, pursuant to an agreement (Agreement) dated December 30, 1971, (a) 342,350 shares of Applicant's common stock from Legal List Investments, Inc. (Legal List), a Delaware corporation, is a diversified, open-end, management investment company registered under the Act, which owns of record and beneficially 342,350 shares or 7.40 percent of the outstanding shares of common stock of Applicant. Applicant is an affiliated person of Legal List under section 2(a)(3) of the Act.

Enterprise, a Delaware corporation, is a diversified, open-end, management investment company registered under the Act, which owns of record or beneficially 150,000 shares or 3.24 percent of the outstanding shares of Applicant's common stock, as well as 50,000 shares, which constitute all the issued and outstanding shares, of Applicant's preferred stock.

The preferred stock, in December 1971, was convertible into common stock on the basis of one share of common stock for each share of preferred stock, or into approximately 807,337 shares of common stock. Holders of preferred stock have no voting rights.

Shickeder's Management Co. is the investment advisor to both Legal List and Enterprise; the same individuals are directors of both Legal List and Enterprise; and Legal List and Enterprise have seven common officers. Accordingly, Legal List and Enterprise may be affiliated persons of each other as defined in section 2(a)(3) of the Act although Applicant states that it is informed that Legal List and Enterprise do not consider themselves to be affiliated persons.

The 342,350 shares of common stock were acquired by Legal List on June 3, 1968, for $2,822,676. On the acquisition date, the market value of equivalent unrestricted securities was $4,998,310. The shares were purchased under an investment representation and the certificates for such shares bear a legend stating in substance that the shares have not been registered under the Securities Act of 1933 and cannot be sold or transferred in the absence of an available exemption from the registration requirements of that Act.

The 150,000 shares of common stock were acquired by Enterprise from Applicant on December 6, 1967, for $376,000. The shares were acquired by Enterprise from Applicant on January 12, 1968, for and aggregate consideration of $5 million. On the respective acquisition dates, the market value of equivalent unrestricted common stock was $1,020,000 and $7,833,349, respectively. All such securities were purchased by Enterprise under an investment representation and the certificates for such shares bear a legend substantially the same as that on the certificates held by Legal List. Applicant's transfer agent was instructed to place a stop transfer order against all the foregoing certificates.

With respect to each such private placement, it is represented that Applicant had agreed that upon request of Legal List or Enterprise it would prepare and file a registration statement under the Securities Act of 1933 and pay the costs of such registration.
At October 31, 1971, the book value of Applicant's common stock was $1.98 per share based on $5 million liquidation value of preferred stock (or $2.55 assuming conversion of the preferred stock into 807,337 shares of common stock). For the year ended October 31, 1971, the net loss incurred per share of common stock was $0.67.

While a market existed for the common stock, there was no quoted market for the restricted securities, or letter stock, held by Legal List and Enterprise. The application states that each of the parties to the Agreement was aware that the current bid and asked prices for the common stock were not determinative bargaining criteria, since any such prices were subject to material discount (since the number of shares involved in the transaction which could not be absorbed in normal trading and to a more importantly, because the letter stock could not be sold in the open market and would have to be registered pursuant to registration as registration, rather than sale in the open market, would be necessary under the Securities Act of 1933, but could only be sold to another private investor in a negotiated transaction.

The application states that there is no quoted market for the preferred stock. The application further states that the preferred stock is entitled to receive dividends at the same rate per share as holders of the common stock and is redeemable at Applicant's option, at any time, at $100 per share. Holders of preferred stock are entitled to receive dividends (prior to holders of common stock) at the same rate per share as holders of common stock. No cash dividends have been declared or paid on the common stock since 1967 or on the preferred stock at any time. There has been and is no quoted public market for the preferred stock.

As reported in its prospectus dated October 31, 1971, the Board of Directors of Enterprise determined that the fair value of the 150,000 shares of common stock and the 50,000 shares of preferred stock of Applicant at June 30, 1971, were $3,058 and $1,332,500, respectively. As reported in its prospectus dated October 31, 1971, the Board of Directors of Legal List had determined that the fair value of the 342,550 shares of Applicant's common stock on June 30, 1971, was $584,136. In each instance the fair value of the shares was equivalent to approximately 76 percent of the prevailing low bid for the common stock of Applicant or a discount of approximately 25 percent.

The application states that the price payable for the common stock under the Agreement represents a discount of approximately 11 percent from the prevailing low bid for Applicant's common stock on December 30, 1971, and the price for the preferred stock is equivalent to approximately 115 percent of the low bid price for 807,337 shares of common stock on that date. In negotiating the price to be paid for the preferred stock, the parties assigned a value of approximately $4.78 per share of preferred stock to the liquidation preference of such stock.

Applicant states that it favors the proposed transaction as it will reduce the amount of Applicant's common stock outstanding and eliminate a significant "overhang" on the market for Applicant's common stock by retiring both the preferred and the common stock. Applicant is informed that Legal List and Enterprise favor the proposed transaction, rather than sale in the open market pursuant to registration, as registration of such stock would necessarily mean its inclusion in a registration statement covering, in addition, the common stock and preferred stock held by Legal List and Enterprise, in excess of 2,700,000 shares of Applicant's common stock held by other persons. Enterprise and Legal List find that it is in no way in conflict with the express or implied policies of either party to the Agreement.

The application states that the proposal sale by Legal List and by Enterprise of the common and preferred stocks of Applicant is in no way in conflict with the open market, but could only be sold to another private investor in a negotiated transaction.

Section 17(a) of the Act prohibits an affiliate of a registered investment company from purchasing from such company or any company controlled by such registered investment company any security or other property, with certain exceptions. Section 17(b) of the Act provides that the Commission shall issue an order exempting a proposed transaction from one or more provisions of section 17(a) if the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlling such registered company, is a participant unless an order regarding such arrangement has been granted by the Commission upon application. In passing upon such application, the Commission must consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which the transaction is different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than June 30, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and whether the facts of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. Any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of any hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Ronald F. Hunt, Secretary.

[FR Doc. 72-8801 Filed 6-9-72; 8:46 am]

TARIFF COMMISSION

[337-25] CERTAIN PANTY HOSE

Report to the President

June 8, 1972.

The Tariff Commission today transmitted to the President its report of an investigation (No. 337-25) involving certain panty hose. The report contains the Commission's final findings of a violation of section 337 of the Tariff Act of 1930 and its recommendation for permanent exclusion from entry of the panty hose in question.

The investigation was instituted in response to a complaint filed by Tights,
NOTICES

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Inc., Greensboro, N.C. The Commission found (Vice Chairman Parker and Com- missioner Young not participating) unjustifiable to publish notices of cancellation or postponements of hearings in which they are interested. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119724 Sub 37, L.C.L. Transit Co., now assigned July 10, 1972, at Chicago, Ill., canceled and transferred to modified procedure.
MC 61146 Sub 261, Schneider Transport, Inc., now assigned July 17, 1972, at Washington, D.C., canceled and transferred to modified procedure.
MC 70097 Sub 24, Mt. Hood Stages, Inc., doing business in Pacific Tradrails, now assigned July 17, 1972, at Salt Lake City, Utah, canceled and reassigned to July 17, 1972, in room 526, Federal Building, 500 West Fourth Street, Boise, Idaho.
MC-F-11905, Terminal Transport Co., Inc.—purchase (portion)—Deaton, Inc., and MC 11107 Sub 814, Deaton, Inc., now assigned July 17, 1972, at Montgomery, Ala., canceled and reassigned to July 17, 1972, at the Queen Elizabeth Hotel, 951 18th Street, Birmingham, Alabama.
MC 75302 Sub 11, Doudell Trucking Co., and MC 112122 Sub 8, Beall, Inc., now assigned July 24, 1972, at San Francisco, Calif., canceled and applications dismissed.
MC 107505 Sub 484, Pre-Fab Transit Co., now assigned July 6, 1972, at Chicago, Ill., will be held in room 1068A, Everett Mc Kinley Dirksen Building, 219 South Dearborn Street.
MC 59150 Sub 64, Pool Transport Co., Inc., now assigned July 17, 1972, at Jacksonville, Fla., hearing is canceled and application dismissed.
MC 139248 Sub 5, William H. Dees, doing business as Dees Transport, now being assigned hearing July 15, 1972 (3 days), in room 9207, Federal Building, 450 Golden Gate Avenue, San Francisco, California.
MC 127642 Sub 92, Hagan, Inc., and MC 135354, Latta Truck Line, Inc., now assigned hearing July 14, 1972 (1 day), at St. Louis, Missouri, in a hearing room to be later designated.
MC-F-11212, Gallatin-Portland Freight Lines, Inc.—lease—Robert H. Bradshaw, doing business as Hartsville Freight Co., now assigned hearing July 17, 1972, at St. Louis, Missouri, in a hearing room to be later designated.
MC 126732 Sub 18, Chair City Motor Express Co., now assigned July 17, 1972, in room 604, U.S. Courthouse, Eighth and Broadway, Nashville, Tennessee.
MC 40978 Sub 18, Chair City Motor Express Co., now assigned July 17, 1972, in room 604, U.S. Courthouse, Eighth and Broadway, Nashville, Tennessee.
MC 135260 Sub 113, J. H. Rose Truck Line, Inc., now being assigned hearing July 25, 1972 (1 day), at Los Angeles, California, in a hearing room to be later designated.
MC 139798 Sub 7, George Appel, now being assigned hearing July 24, 1972 (1 day), at Los Angeles, California, in a hearing room to be later designated.

FEDERAL REGISTER, VOL. 37, NO. 113—SATURDAY, JUNE 10, 1972

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JUNE 7, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The cases assigned here will be later set for hearing if the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION:
MC 41432 Sub 17, East Texas Motor Freight Lines, Inc., instead of East Texas Management Freight Lines, Inc., now assigned July 17, 1972, at Atlanta, Georgia, will be held in room 1026, 1779 Peachtree Road NW.

ASSIGNMENT OF HEARINGS

Correction

In F.R. Doc. 72-8138 appearing on page 10821 of the issue for Wednesday, May 31, 1972, the date in item MC 55822 Sub. 12 should read “July 10, 1972”, instead of “July 12, 1972” and the date in item MC 116547 Sub 29 should read “July 11, 1972”, instead of “July 12, 1972”.

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules
of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

**LONG-AND-SHORT HAUL**

FSA No. 42445—Paper and paper articles from Keltys, Tex.Filed by Southwestern Freight Bureau, agent (No. B-328), for interested rail carriers. Rates on paper and paper articles, in carloads, as described in the application, from Keltys, Tex., to points in Illinois, western trunkline and southwestern territories, also Mississippi River crossings; also returned shipments of newsprint paper, also wood plugs, and wooden skids or platforms, in the reverse direction.

Grounds for relief—Market competition.

Tariff—Supplement 33 to Southwestern Freight Bureau, agent, tariff ICC 4965. Rates are published to become effective on July 4, 1972.

FSA No. 42446—Iron or steel articles to Brownsunie, Tex. Filed by Southwestern Freight Bureau, agent (No. B-33), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from specified points in Alabama, Georgia, Kentucky, and Tennessee, to Brownsunie, Tex.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 301 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on July 9, 1972.

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**NOTICES**

**CUMULATIVE LIST OF PARTS AFFECTED—JUNE**

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 June.

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**Proposed Rules:**

**Ch. I**

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