federal register

TUESDAY, JUNE 20, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 119
Pages 12129–12209
PART I
(Part II begins on page 12199)
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HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER G—STANDARDS FOR WAIVER OF CLAIMS FOR ERRONEOUS PAYMENT OF PAY

PART 91—STANDARDS FOR WAIVER

PART 92—PROCEDURE

Optional Waiver Without Investigation

The standards for waiver of erroneous payments of pay are revised to permit optional waivers of certain items less than $25 without investigation.

The following revisions are made in Parts 91 and 92:

1. Section 91.5 is revised by the addition of a new paragraph (c) as follows:

§ 91.5 **Conditions for waiver of claims.**

* * * * *

(c) The claim is in the gross amount of $25 or less and there is no evidence that such erroneous payment occurred through fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim. See § 92.2(c) of this chapter.

2. Section 92.2 is amended by revising paragraph (a) and by the addition of a new paragraph (c), as follows:

§ 92.2 **Investigation—Report of Investigation.**

(a) Except as provided in paragraph (c) of this section, all claims of the United States considered for waiver under the provisions of these regulations shall be investigated by the executive agency which made the erroneous payment of pay.

* * * * *

(c) An investigation will not be required in those cases of overpayment of pay involving amounts of $25 or less where there is no indication in the record of fraud, misrepresentations, fault or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply, 82 Stat. 1212, 5 U.S.C. sec. 5584)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.72-9238 Filed 6-19-72;8:49 am]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Miscellaneous Amendments

Correction

In F.R. Doc. 72-8006 appearing on page 10656 of the issue for Friday, May 26, 1972, and corrected on page 11465 of the issue for Thursday, June 8, 1972, the fourth county in Area II of Alabama, now reading "Hilton", should read "Chilton".

[Amdt. 10]

PART 725—FLUE-CURED TOBACCO

Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

On pages 7805 through 7807 of the FEDERAL REGISTER of April 20, 1972, there was published a notice of proposed rule making to issue amendments to lease and transfer of allotments and marketing quotas, the identification of marketings of tobacco and the records and reports incident thereto for Flue-cured tobacco. Interested persons were given 30 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed regulations. The data, views, and recommendations which were submitted pursuant to said notice were duly considered within the limits of the Agricultural Adjustment Act of 1938, as amended. The proposed regulations are adopted with the following changes and two additions:

1. It has been determined that the allowable rate of floor sweepings will remain at 0.005 and will not be reduced as stated in the notice of proposed rule making. Also, first sales at auction to the warehouse will be included in total first sales for the purpose of computing allowable floor sweepings. A study will be made during the 1972–73 marketing year to determine the reasonableness of the 0.005 rate. This will be accomplished on a random spot check basis by weighing the scraps or leaves of tobacco which accumulate on the warehouse floor during the regular course of business.

2. Paragraph (f) of § 725.92 is added to provide the rate of penalty for excess tobacco marketed during the 1972–73 marketing season. The determination of the penalty rate is purely a mathematical calculation.

3. The proposed requirement in § 725.99(m) is expanded to permit warehousemen to prepare and maintain a daily summary journal sheet to reflect daily transactions in lieu of maintaining copies of the bill-out invoices to the purchaser.

4. For clarification, the words "quota and nonquota" have been inserted in the beginning of §§ 725.99 and 725.100. Also, wording is added to specify that a warehouseman shall not weigh in any tobacco for sale unless identified by Form MQ–76 or MQ–79–2 or the tobacco is represented to be a nonquota kind, and that each nonauction purchase of tobacco from a Flue-cured producing area shall be identified by Form MQ–76 issued for the farm on which the tobacco was produced unless prior to purchase an AMS inspection certificate is obtained to show that the tobacco is a nonquota kind.

5. In § 725.99(a)(4), the proposed requirement for filing of basket tickets in an orderly manner by sale days has been expanded to permit filing of basket tickets by numerical order, if so desired by the warehouseman.

6. Grammatical and spelling errors in the text have been corrected.

7. An authority clause has been added.

Since the 1972 crop of Flue-cured tobacco is nearing the marketing stage, it is essential that farmers, warehousemen, and dealers know the provisions of this amendment as soon as possible. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (6–20–72).

The amendments are as follows:

1. Section 725.72(p)(1) is amended by adding a sentence at the end to read as follows:

§ 725.72 **Lease and transfer of tobacco marketing quota.**

* * * * *

(p) *Cancellation, dissolution or revision of transfer*—(1) *Cancellation.* * * * The provisions of this subparagraph (1) shall not preclude application of the erroneous notice provisions under § 725.70 where such provisions are applicable.

* * * * *

2. Section 725.85 is revised to read as follows:

§ 725.85 **Identification of kinds of tobacco.**

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths of a kind and type shall be considered such kind and type

without regard to any factor of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" with respect to any farm located in an area in which one or more of a kind and type of tobacco classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all acreage of tobacco, excluding other kinds subject to marketing quotas, on a farm unless the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas.

3. Section 725.92 is amended by adding paragraph (f) to read as follows:

§ 725.92 Rate of penalty.

* * * * *

(f) (1) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing year specified was:

Average Market Price	*Cents per pound*
Marketing year 1971–72	77.2

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

Rate of Penalty	*Cents per Pound*
Marketing year 1972–73	58

4. The last sentence of paragraph (c) of § 725.94 is amended to read as follows:

* * * * *

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

* * * * *

(c) *Leaf account tobacco.* * * * The actual quantity of floor sweepings which the State executive director determines have been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 725.51(o) by total first sales at auction.

* * * * *

5. In § 725.99, a general statement is added at the beginning of the section, a new paragraph (m) and a new subparagraph (8) to paragraph (a) are added, and subparagraphs (3) and (7) of paragraph (a) and subparagraph (14) of paragraph (g), and the fourth, fifth, and sixth sentences of subparagraph (4) of paragraph (a) and the first sentence of paragraph (c) are revised, to read as follows:

§ 725.99 Warehouseman's records and reports.

Each warehouse shall keep the records and make the reports separately for each kind of tobacco (quota and nonquota) as provided in this section.

(a) *Record of marketing.* * * *

(3) *Buyers corrections account.* Each warehouseman shall keep such records including negative adjustment invoices as will enable him to furnish a weekly report on Form MQ–71 to the State ASCS office showing the total pounds of the debits (for returned baskets, short baskets, and short weights of tobacco) and the credits (for long baskets, and long weights of tobacco) to the buyers corrections account. Where the warehouseman returns to the seller tobacco debited to the buyers corrections account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the buyers corrections account and a corresponding purchase (debit entry) in the case of a dealer on his MQ–79, Dealer's Report. Any balancing figure reflected on the warehouseman's summary of bill-outs shall not be included in the buyers corrections account.

(4) *Tobacco sale bill and daily warehouse sales summary.* * * * The warehouseman shall not weigh in any tobacco for sale unless a marketing card (MQ–76 for producers, MQ–79–2 for dealers) is furnished the weighman or the tobacco is represented to be a nonquota kind which is required to be displayed in a separate area on the warehouse floor under § 725.91(e) of these regulations. The buyer and grade space on the tobacco sale bill shall show nonauction purchases by the warehouse, tobacco grade for tobacco consigned to price support, and the symbol for tobacco bought by private buyers. At the end of each sale day, the tobacco sale bills shall be sorted and filed in numerical order by sale dates, and basket tickets shall be filed in an orderly manner by sale dates or by numerical order.

* * * * *

(7) *Labeling tobacco sale bill for resale tobacco.* In the case of resales, each sale bill shall show resale and: (i) For dealers, the name of the dealer making each resale; and (ii) for the warehouse, the name of the warehouse and either "floor sweepings" or "leaf account" tobacco.

(8) *Nonquota tobacco or quota tobacco of a different kind.* Should tobacco be presented for sale that is represented to be nonquota tobacco or there is question as to what kind of quota tobacco is being offered, an inspection shall be obtained from the Agricultural Marketing Service of this Department (AMS) after the tobacco is weighed and in line for sale. If an AMS inspection shows that a basket or lot of tobacco is of a different kind than that identified by the basket ticket after it is weighed in and a sale bill prepared, such tobacco shall be deleted from the original sale bill and a revised sale bill prepared.

* * * * *

(c) *Marketing card.* Each marketing of tobacco from a farm in the flue-cured tobacco producing area shall be identified by a marketing card issued for the farm on which the tobacco was produced (unless prior to the marketing of such tobacco an AMS inspection certificate is obtained showing that the tobacco offered for sale is a kind of tobacco not subject to marketing quotas).

* * * * *

(g) *Daily warehouse sale summary.* * * *

(14) At the end of the season, each warehouseman shall: (i) Report on his final MQ–80 for the season the quantity of leaf account tobacco and floor sweepings, if any, on hand and its location, (ii) permit its inspection by a representative of ASCS, and (iii) provide for the weighing of such tobacco (to be witnessed by ASCS) and furnish to ASCS at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been obtained as provided in subdivision (iii) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

* * * * *

(m) *Maintaining copies of bill-out invoices to purchaser or daily summary journal sheet to reflect daily transactions.* For each marketing year, the warehouseman shall maintain copies of the bill-out invoice to the purchaser by grades showing the pounds purchased. In lieu of this requirement, the warehouseman may prepare and maintain for each sale day on a current basis a daily summary journal sheet to reflect for each purchaser (including warehouse leaf account or other similar account) pounds and dollar amounts for:

(1) Tobacco originally billed to the purchaser.

(2) Mathematical billing errors and corrections (added and deducted) from purchaser's adjustment invoices.

(3) Short (deducted) and long (added) weights from purchaser's adjustment invoices.

(4) Short (deducted) and long (added) baskets from purchaser's adjustment invoices.

(5) Net tobacco received and paid for by purchaser.

6. The general statement at the beginning of § 725.100 and the first sentence of paragraph (b)(1)(i) and paragraphs (c)(4) and (d) thereof are amended to read as follows:

§ 725.100 Dealer's records and reports.

Each dealer, except as provided in § 725.101, shall keep the records and

make the reports separately for each kind (quota and nonquota) of tobacco as provided by this section. Adjustment invoices, including the adjustment invoices for any sale day for which there is no adjustment to be made, required to be furnished to an auction warehouse shall be identified by the warehouse identification number and the reporting dealer's identification number as well as the names of the warehouse and dealers involved in the transaction.

* * * * *

(b) *Nonauction sale (country purchase) to a dealer.* (1) (i) Each purchase of tobacco from a producer from a Fluecured tobacco producing area shall be identified by a marketing card issued for the farm on which the tobacco was produced unless prior to purchase an AMS inspection certificate is obtained showing that the tobacco offered for sale is of a kind of tobacco not subject to marketing quotas.

* * * * *

(c) *Record and report of purchases and resales.* * * *

(4) At the end of the dealer's marketing operation, but not later than March 1, he shall for each kind of tobacco: (i) Show the word "final" on his final report, MQ–79, for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, (iii) permit its inspection by a representative of ASCS, and (iv) provide for weighing of such tobacco (to be witnessed by ASCS) and furnish to ASCS at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been determined as provided in subdivision (iv) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

* * * * *

(d) *Daily report to warehouseman for buyers corrections account.* Notwithstanding the provisions of § 725.101, reports shall be made as follows:

(1) Any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish to the warehouseman an adjustment invoice or buyers settlement sheet.

(2) Each dealer who purchases tobacco on a warehouse floor for any sale day in which there is no adjustment required in the account as shown on the warehouse bill-out invoice for that sale day, shall file a negative report with the warehouseman for that sale day.

(3) Such reports as required under subparagraphs (1) and (2) of this paragraph shall be furnished daily, if practicable (otherwise, they shall be furnished at the end of each week), and shall show the identification number of the purchasing dealer and the identification number of the warehouse where the purchase was made.

7. The first sentence in § 725.101(a) is amended to read as follows:

§ 725.101 Dealers exempt from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sale and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100, except as provided in paragraph (d) of § 725.100. * * *

* * * * *

8. Section 725.102(b) is amended to read as follows:

§ 725.102 Records and reports of truckers, persons redrying, prizing or stemming tobacco, and storage firms.

* * * * *

(b) Each person engaged in the business of redrying, prizing, or stemming tobacco and storage firms handling tobacco shall keep records with respect to each lot of tobacco received by him showing:

(1) The name and address of producer, dealer, warehouseman, or other person for whom the tobacco was received.

(2) The date of receipt of tobacco.

(3) The number of pounds received.

(4) The purpose for which tobacco was received.

(5) The amount of any advance or loan made by him on the tobacco.

(6) The disposition of the tobacco.

(7) Person to whom delivered and pounds involved.

Any such person shall report this information to the State ASCS office within 15 days of the end of the marketing year, except for tobacco handled for an association operating the price support program and tobacco purchased by him at auction or for which he had previously reported on Form MQ–79.

§ 725.107 [Amended]

9. Section 725.107 is amended by adding the language "warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ–72–1, Report of Tobacco Auction Sale," immediately following the language "documents,".

(Secs. 301, 314, 316, 317, 373, 375, 52 Stat. 38, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, as amended, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1301, 1314, 1314b, 1314c, 1373, 1375)

Effective date: Date of publication of this document in the FEDERAL REGISTER (6–20–72).

Signed at Washington, D.C., on June 13, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–9232 Filed 6–19–72;8:48 am]

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

[Lemon Reg. 537, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 910.837 (Lemon Regulation 537, 37 F.R. 11673) during the period June 11, 1972, through June 17, 1972, is hereby amended to read as follows:

§ 910.837 Lemon Regulation 537.

* * * * *

(b) *Order.* (1) * * * 325,000 cartons.

* * * * *

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

Dated: June 15, 1972.

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

[FR Doc.72–9231 Filed 6–19–72;8:48 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1972 Crop Grain Sorghum Loan and Purchase Program

On September 11, 1971, notice of proposed rule making regarding loan and purchase rates for 1972 crop grain sorghum and detailed operating provisions to carry out the 1972 crop grain sorghum loan and purchase program was published in the FEDERAL REGISTER (36 F.R. 18322). No data, views, or recommendations were filed by interested persons.

The general regulations governing price support for the 1970 and subsequent crops, published at 35 F.R. 7363 and 7781, and any amendments thereto, and the 1970 and subsequent crops grain sorghum loan and purchase program regulations, published at 35 F.R. 10745 and any amendments to such regulations are further supplemented for the 1972 crop of grain sorghum. The material previously appearing in these §§ 1421.235 through 1421.239 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.235 Availability.
1421.236 Compliance requirements.
1421.237 Warehouse charges.
1421.238 Maturity of loans.
1421.239 Loan and purchase rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 715c, 7 U.S.C. 1421, 1441.

§ 1421.235 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1972 crop of eligible grain sorghum, (1) on or before March 31, 1973, on grain sorghum stored in the following counties in Texas and all counties in Texas south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller; (2) on or before May 31, 1973, on grain sorghum stored in Oklahoma and in counties in Texas north of those named in subparagraph (1) of this paragraph; and (3) on or before June 30, 1973, on grain sorghum stored in States other than Texas and Oklahoma.

(b) *Purchases.* To sell eligible grain sorghum to CCC a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC–614), indicating the approximate quantity of 1972 crop grain sorghum he will sell to CCC, on or before the applicable maturity date specified in § 1421.238.

§ 1421.236 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the grain sorghum being tendered if the producer complies with the 1972 set-aside program appearing in regulations published in Part 775 of this title pertaining to Feed Grain Set-Aside Program for Crop Years 1971–73, and any amendments thereto, on the farm on which such grain sorghum was produced.

§ 1421.237 Warehouse charges.

Subject to the provisions of § 1421.216, the schedules of deductions set forth in this section shall apply to grain sorghum stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

(a) Schedule of deductions for storage charges for maturity date of April 30, 1973.

Date: [1]	*Deduction (cents per hundredweight)*
Prior to July 4, 1972	22
July 4–July 17	21
July 18–July 31	20
Aug. 1–Aug. 14	19
Aug. 15–Aug. 28	18
Aug. 29–Sept. 11	17
Sept. 12–Sept. 25	16
Sept. 26–Oct. 9	15
Oct. 10–Oct. 23	14
Oct. 24–Nov. 6	13
Nov. 7–Nov. 20	12
Nov. 21–Dec. 4	11
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Jan. 16–Jan. 29	7
Jan. 30–Feb. 12	6
Feb. 13–Feb. 26	5
Feb. 27–Mar. 12	4
Mar. 13–Mar. 26	3
Mar. 27–Apr. 9	2
Apr. 10–Apr. 30	1

[1] Dates storage charges start, all dates inclusive.

(b) Schedule of deductions for storage charges for maturity dates of June 30, 1973, and July 31, 1973.

Maturity date of June 30, 1973	Deduction (cents per hundredweight)	Maturity date of July 31, 1973
[1]	28	Prior [1] to July 12, 1972.
Prior to June 25, 1972	27	July 12–July 25.
June 25–July 8	26	July 26–Aug. 8.
July 9–July 22	25	Aug. 9–Aug. 22.
July 23–Aug. 5	24	Aug. 23–Sept. 5.
Aug. 6–Aug. 19	23	Sept. 6–Sept. 19.
Aug. 20–Sept. 2	22	Sept. 20–Oct. 3.
Sept. 3–Sept. 16	21	Oct. 4–Oct. 17.
Sept. 17–Sept. 30	20	Oct. 18–Oct. 31.
Oct. 1–Oct. 14	19	Nov. 1–Nov. 14.
Oct. 15–Oct. 28	18	Nov. 15–Nov. 28.
Oct. 29–Nov. 11	17	Nov. 29–Dec. 12.
Nov. 12–Nov. 25	16	Dec. 13–Dec. 26.
Nov. 26–Dec. 9	15	Dec. 27, 1972–Jan. 9, 1973.
Dec. 10–Dec. 23	14	Jan. 10–Jan. 23.
Dec. 24, 1972–Jan. 6, 1973.	13	Jan. 24–Feb. 6.
Jan. 7–Jan. 20	12	Feb. 7–Feb. 20.
Jan. 21–Feb. 3	11	Feb. 21–Mar. 6.
Feb. 4–Feb. 17	10	Mar. 7–Mar. 20.
Feb. 18–Mar. 3	9	Mar. 21–Apr. 3.
Mar. 4–Mar. 17	8	Apr. 4–Apr. 17.
Mar. 18–Mar. 31	7	Apr. 18–May 1.
Apr. 1–Apr. 14	6	May 2–May 15.
Apr. 15–Apr. 28	5	May 16–May 29.
Apr. 29–May 12	4	May 30–June 12.
May 13–May 26	3	June 13–June 26.
May 27–June 9	2	June 27–July 10.
June 10–June 30, 1973	1	July 11–July 31, 1973

[1] Dates storage charges start, all dates inclusive.

§ 1421.238 Maturity of loans.

Loans mature on demand but not later than: (a) April 30, 1973, on grain sorghum stored in the following counties in Texas and all counties in Texas south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller; (b) June 30, 1973, on grain sorghum stored in Oklahoma and in counties in Texas north of those named in paragraph (a) of this section; (c) July 31, 1973, on grain sorghum stored in States other than Oklahoma and Texas.

§ 1421.239 Loan and purchase rates and discounts.

(a) *Basic rates (counties).* Basic county rates for loan and settlement purposes are established for grain sorghum grading U.S. No. 2 or better and are as follows:

BASIC COUNTY LOAN AND PURCHASE RATES FOR GRAIN SORGHUM NO. 2 OR BETTER

ALABAMA

County	*Rate per hundredweight*
All counties	$1.80

ARIZONA

County	*Rate per hundredweight*	*County*	*Rate per hundredweight*
Apache	$1.73	Mohave	$1.88
Cochise	1.94	Navajo	1.73
Coconino	1.73	Pima	2.01
Gila	1.73	Pinal	2.08
Graham	1.83	Santa Cruz	1.98
Greenlee	1.73	Yavapai	1.73
Maricopa	2.08	Yuma	2.14

ARKANSAS

Arkansas	$1.87	Lawrence	$1.86
Ashley	1.85	Lee	1.90
Baxter	1.80	Lincoln	1.85
Benton	1.75	Little River	1.83
Boone	1.77	Logan	1.80
Bradley	1.83	Lonoke	1.86
Calhoun	1.83	Madison	1.76
Carroll	1.75	Marion	1.78
Chicot	1.85	Miller	1.85
Clark	1.81	Mississippi	1.91
Clay	1.87	Monroe	1.88
Cleburne	1.83	Montgomery	1.80
Cleveland	1.83	Nevada	1.83
Columbia	1.85	Newton	1.78
Conway	1.81	Ouachita	1.83
Craighead	1.90	Perry	1.81
Crawford	1.78	Phillips	1.89
Crittenden	1.91	Pike	1.81
Cross	1.90	Poinsett	1.90
Dallas	1.81	Polk	1.80
Desha	1.86	Pope	1.80
Drew	1.85	Prairie	1.86
Faulkner	1.83	Pulaski	1.83
Franklin	1.78	Randolph	1.86
Fulton	1.82	St. Francis	1.90
Garland	1.80	Saline	1.81
Grant	1.83	Scott	1.80
Greene	1.89	Searcy	1.80
Hempstead	1.83	Sebastian	1.79
Hot Spring	1.81	Sevier	1.81
Howard	1.81	Sharp	1.84
Independence	1.86	Stone	1.83
Izard	1.83	Union	1.85
Jackson	1.88	Van Buren	1.82
Jefferson	1.85	Washington	1.76
Johnson	1.79	White	1.86
Lafayette	1.85	Woodruff	1.88
		Yell	1.80

California

County	Rate per hundredweight	County	Rate per hundredweight
Alameda	$2.21	Riverside	$2.18
Amador	2.21	Sacramento	2.21
Butte	2.11	San Benito	2.15
Calaveras	2.21	San Bernardino	2.18
Colusa	2.14	San Diego	2.21
Contra Costa	2.21	San Francisco	2.21
El Dorado	2.21	San Joaquin	2.21
Fresno	2.13	San Luis Obispo	2.06
Glenn	2.12	San Mateo	2.21
Humboldt	1.91	Santa Barbara	2.11
Imperial	2.18	Santa Clara	2.21
Inyo	2.00	Santa Cruz	2.15
Kern	2.18	Shasta	1.96
Kings	2.13	Sierra	2.05
Lake	2.06	Siskiyou	1.92
Lassen	1.95	Solano	2.21
Los Angeles	2.21	Sonoma	2.14
Madera	2.17	Stanislaus	2.21
Marin	2.18	Sutter	2.21
Mariposa	2.17	Tehama	2.02
Mendocino	2.00	Tulare	2.11
Merced	2.17	Tuolumne	2.17
Modoc	1.92	Ventura	2.18
Monterey	2.10	Yoko	2.21
Napa	2.15	Yuba	2.14
Orange	2.21		
Placer	2.15		
Plumas	2.00		

Colorado

Baca	$1.67	All other counties	$1.64

Delaware

All counties $1.85

Florida

All counties $1.80

Georgia

All counties $1.85

Idaho

All counties $1.54

Illinois

Alexander	$1.85	Massac	$1.83
Bond	1.77	Monroe	1.80
Calhoun	1.73	Perry	1.80
Clay	1.77	Pope	1.82
Clinton	1.79	Pulaski	1.85
Edwards	1.77	Randolph	1.81
Franklin	1.81	Richland	1.76
Gallatin	1.79	St. Clair	1.79
Hamilton	1.80	Saline	1.80
Hardin	1.81	Union	1.84
Jackson	1.82	Wabash	1.76
Jefferson	1.79	Washington	1.79
Jersey	1.75	Wayne	1.78
Johnson	1.83	White	1.79
Lawrence	1.75	Williamson	1.82
Madison	1.77	All other counties	1.67
Marion	1.78		

Indiana

All counties $1.70

Iowa

Adair	$1.64	Clarke	$1.66
Adams	1.67	Clay	1.60
Allamakee	1.55	Clayton	1.55
Appanoose	1.65	Clinton	1.55
Audubon	1.65	Crawford	1.65
Benton	1.55	Dallas	1.61
Black Hawk	1.55	Davis	1.63
Boone	1.60	Decatur	1.67
Bremer	1.55	Delaware	1.55
Buchanan	1.55	Des Moines	1.58
Buena Vista	1.60	Dickinson	1.59
Butler	1.55	Dubuque	1.55
Calhoun	1.60	Emmet	1.57
Carroll	1.64	Fayette	1.55
Cass	1.65	Floyd	1.55
Cedar	1.55	Franklin	1.55
Cerro Gordo	1.55	Fremont	1.67
Cherokee	1.62	Greene	1.62
Chickasaw	1.55	Grundy	1.55

Iowa—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Guthrie	$1.63	Muscatine	$1.55
Hamilton	1.58	O'Brien	1.62
Hancock	1.55	Osceola	1.61
Hardin	1.55	Page	1.69
Harrison	1.67	Palo Alto	1.58
Henry	1.59	Plymouth	1.63
Howard	1.55	Pocahontas	1.59
Humboldt	1.58	Polk	1.59
Ida	1.62	Pottawattamie	1.67
Iowa	1.55	Poweshiek	1.55
Jackson	1.55	Ringgold	1.69
Jasper	1.58	Sac	1.62
Jefferson	1.61	Scott	1.55
Johnson	1.55	Shelby	1.66
Jones	1.55	Sioux	1.63
Keokuk	1.60	Story	1.58
Kossuth	1.55	Tama	1.55
Lee	1.60	Taylor	1.70
Linn	1.55	Union	1.67
Louisa	1.55	Van Buren	1.62
Lucas	1.66	Wapello	1.63
Lyon	1.62	Warren	1.63
Madison	1.64	Washington	1.58
Mahaska	1.61	Wayne	1.66
Marion	1.62	Webster	1.60
Marshall	1.57	Winnebago	1.55
Mills	1.67	Winneshiek	1.55
Mitchell	1.55	Woodbury	1.63
Monona	1.65	Worth	1.55
Monroe	1.63	Wright	1.56
Montgomery	1.67		

Kansas

Allen	$1.73	Linn	$1.76
Anderson	1.75	Logan	1.62
Atchison	1.77	Lyon	1.71
Barber	1.74	McPherson	1.70
Barton	1.68	Marion	1.70
Bourbon	1.74	Marshall	1.69
Brown	1.74	Meade	1.71
Butler	1.72	Miami	1.76
Chase	1.70	Mitchell	1.65
Chautauqua	1.75	Montgomery	1.75
Cherokee	1.75	Morris	1.70
Cheyenne	1.62	Morton	1.72
Clark	1.71	Nemaha	1.71
Clay	1.67	Neosho	1.73
Cloud	1.67	Ness	1.66
Coffey	1.72	Norton	1.62
Comanche	1.73	Osage	1.73
Cowley	1.75	Osborne	1.65
Crawford	1.73	Ottawa	1.67
Decatur	1.62	Pawnee	1.67
Dickinson	1.69	Phillips	1.62
Doniphan	1.74	Pottawatomie	1.71
Douglas	1.76	Pratt	1.70
Edwards	1.68	Rawlins	1.62
Elk	1.74	Reno	1.70
Ellis	1.65	Republic	1.66
Ellsworth	1.69	Rice	1.70
Finney	1.66	Riley	1.69
Ford	1.68	Rooks	1.64
Franklin	1.76	Rush	1.67
Geary	1.68	Russell	1.65
Gove	1.62	Saline	1.69
Graham	1.62	Scott	1.63
Grant	1.68	Sedgwick	1.72
Gray	1.68	Seward	1.71
Greeley	1.62	Shawnee	1.73
Greenwood	1.72	Sheridan	1.62
Hamilton	1.63	Sherman	1.62
Harper	1.75	Smith	1.64
Harvey	1.71	Stafford	1.68
Haskell	1.68	Stanton	1.66
Hodgeman	1.66	Stevens	1.71
Jackson	1.74	Sumner	1.75
Jefferson	1.76	Thomas	1.62
Jewell	1.65	Trego	1.63
Johnson	1.76	Wabaunsee	1.71
Kearny	1.63	Wallace	1.62
Kingman	1.72	Washington	1.66
Kiowa	1.70	Wichita	1.62
Labette	1.75	Wilson	1.73
Lane	1.64	Woodson	1.72
Leavenworth	1.77	Wyandotte	1.77
Lincoln	1.67		

Kentucky

County	Rate per hundredweight
All counties	$1.80

Louisiana

All counties $1.80

Michigan

All counties $1.65

Minnesota

All counties $1.60

Mississippi

All counties $1.80

Missouri

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.67	Linn	$1.73
Andrew	1.76	Livingston	1.75
Atchison	1.71	McDonald	1.75
Audrain	1.70	Macon	1.71
Barry	1.75	Madison	1.83
Barton	1.75	Maries	1.74
Bates	1.76	Marion	1.66
Benton	1.74	Mercer	1.69
Bollinger	1.83	Miller	1.73
Boone	1.72	Mississippi	1.87
Buchanan	1.77	Moniteau	1.70
Butler	1.86	Monroe	1.69
Caldwell	1.77	Montgomery	1.73
Callaway	1.70	Morgan	1.72
Camden	1.73	New Madrid	1.87
Cape Girardeau	1.84	Newton	1.75
Carroll	1.77	Nodaway	1.72
Carter	1.82	Oregon	1.82
Cass	1.77	Osage	1.73
Cedar	1.74	Ozark	1.77
Chariton	1.74	Pemiscot	1.89
Christian	1.75	Perry	1.83
Clark	1.62	Pettis	1.74
Clay	1.77	Phelps	1.75
Clinton	1.77	Pike	1.71
Cole	1.70	Platte	1.77
Cooper	1.72	Polk	1.74
Crawford	1.77	Pulaski	1.75
Dade	1.74	Putnam	1.69
Dallas	1.73	Ralls	1.71
Daviess	1.74	Ray	1.69
De Kalb	1.76	Reynolds	1.77
Dent	1.79	Ripley	1.79
Douglas	1.77	St. Charles	1.84
Dunklin	1.89	St. Clair	1.76
Franklin	1.79	St. Genevieve	1.75
Gasconade	1.76	St. Francois	1.82
Gentry	1.73	St. Louis	1.82
Greene	1.74	Saline	1.79
Grundy	1.72	Schuyler	1.76
Harrison	1.70	Scotland	1.64
Henry	1.76	Scott	1.62
Hickory	1.73	Shannon	1.85
Holt	1.74	Shelby	1.81
Howard	1.74	Stoddard	1.69
Howell	1.79	Stone	1.87
Iron	1.82	Sullivan	1.76
Jackson	1.77	Taney	1.69
Jasper	1.75	Texas	1.76
Jefferson	1.81	Vernon	1.78
Johnson	1.77	Warren	1.75
Knox	1.66	Washington	1.76
Laclede	1.75	Wayne	1.80
Lafayette	1.77	Webster	1.85
Lawrence	1.75	Worth	1.73
Lewis	1.64	Wright	1.71
Lincoln	1.73		1.75

Nebraska

Adams	$1.61	Dodge	$1.65
Burt	1.65	Douglas	1.65
Butler	1.64	Fillmore	1.64
Cass	1.67	Gage	1.67
Cedar	1.61	Hamilton	1.61
Clay	1.62	Jefferson	1.66
Colfax	1.65	Johnson	1.68
Cuming	1.65	Lancaster	1.68
Dakota	1.61	Madison	1.62
Dixon	1.61	Merrick	1.61

NEBRASKA—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Nemaha	$1.69	Seward	$1.65
Nuckolls	1.63	Stanton	1.64
Otoe	1.67	Thayer	1.64
Pawnee	1.69	Thurston	1.64
Pierce	1.62	Washington	1.65
Platte	1.62	Wayne	1.61
Polk	1.62	Webster	1.62
Richardson	1.71	York	1.62
Saline	1.67	All other counties	1.60
Sarpy	1.65		
Saunders	1.65		

NEVADA

All counties	$1.70

NEW MEXICO

County	Rate per hundredweight	County	Rate per hundredweight
Chaves	$1.75	Luna	$1.78
Curry	1.80	Quáy	1.78
De Baca	1.74	Roosevelt	1.77
Guadalupe	1.74	Union	1.74
Harding	1.76	All other counties	1.73
Hidalgo	1.78		
Lea	1.79		

NORTH CAROLINA

All counties	$1.85

NORTH DAKOTA

All counties	$1.55

OHIO

All counties	$1.70

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.78	Le Flore	$1.83
Alfalfa	1.77	Lincoln	1.83
Atoka	1.85	Logan	1.81
Beaver	1.74	Love	1.87
Beckham	1.80	McClain	1.85
Blaine	1.81	McCurtain	1.85
Bryan	1.87	McIntosh	1.82
Caddo	1.83	Major	1.79
Canadian	1.83	Marshall	1.87
Carter	1.87	Mayes	1.80
Cherokee	1.80	Murray	1.86
Choctaw	1.87	Muskogee	1.82
Cimarron	1.74	Noble	1.79
Cleveland	1.85	Nowata	1.78
Coal	1.85	Okfuskee	1.82
Comanche	1.86	Oklahoma	1.83
Cotton	1.87	Okmulgee	1.82
Craig	1.79	Osage	1.77
Creek	1.82	Ottawa	1.79
Custer	1.81	Pawnee	1.79
Delaware	1.79	Payne	1.81
Dewey	1.79	Pittsburg	1.83
Ellis	1.76	Pontotoc	1.85
Garfield	1.79	Pottawatomie	1.83
Garvin	1.86	Pushmataha	1.85
Grady	1.85	Roger Mills	1.79
Grant	1.77	Rogers	1.80
Greer	1.83	Seminole	1.83
Harmon	1.83	Sequoyah	1.81
Harper	1.75	Stephens	1.86
Haskell	1.82	Texas	1.74
Hughes	1.83	Tillman	1.84
Jackson	1.83	Tulsa	1.82
Jefferson	1.87	Wagoner	1.81
Johnston	1.86	Washington	1.78
Kay	1.77	Washita	1.82
Kingfisher	1.81	Woods	1.77
Kiowa	1.84	Woodward	1.77
Latimer	1.83		

OREGON

All counties	$1.69

PENNSYLVANIA

All counties	$1.85

SOUTH CAROLINA

All counties	$1.85

SOUTH DAKOTA

County	Rate per hundredweight	County	Rate per hundredweight
Bon Homme	$1.59	Union	$1.61
Clay	1.61	Yankton	1.61
Lincoln	1.61	All other counties	1.58
Turner	1.59		

TENNESSEE

Shelby	$1.91	All other counties	$1.80

TEXAS

County	Rate per hundredweight	County	Rate per hundredweight
Anderson	$1.95	Fayette	$1.95
Andrews	1.80	Fisher	1.84
Angelina	1.97	Floyd	1.80
Aransas	2.05	Foard	1.84
Archer	1.85	Fort Bend	2.04
Armstrong	1.81	Franklin	1.88
Atascosa	1.97	Freestone	1.91
Austin	2.00	Frio	1.92
Bailey	1.80	Gaines	1.80
Bandera	1.92	Galveston	2.08
Bastrop	1.92	Garza	1.80
Baylor	1.84	Gillespie	1.91
Bee	2.04	Glasscock	1.80
Bell	1.91	Goliad	2.03
Bexar	1.93	Gonzales	1.94
Blanco	1.91	Gray	1.81
Borden	1.80	Grayson	1.88
Bosque	1.90	Gregg	1.90
Bowie	1.87	Grimes	2.00
Brazoria	2.04	Guadalupe	1.93
Brazos	1.95	Hale	1.80
Brewster	1.73	Hall	1.82
Briscoe	1.80	Hamilton	1.88
Brooks	1.99	Hansford	1.76
Brown	1.87	Hardeman	1.84
Burleson	1.95	Hardin	2.04
Burnet	1.90	Harris	2.08
Caldwell	1.92	Harrison	1.90
Calhoun	2.02	Hartley	1.76
Callahan	1.85	Haskell	1.84
Cameron	2.08	Hays	1.91
Camp	1.90	Hemphill	1.79
Carson	1.81	Henderson	1.91
Cass	1.88	Hidalgo	2.06
Castro	1.80	Hill	1.90
Chambers	2.04	Hockley	1.80
Cherokee	1.93	Hood	1.89
Childress	1.84	Hopkins	1.90
Clay	1.87	Houston	1.97
Cochran	1.80	Howard	1.80
Coke	1.84	Hudspeth	1.73
Coleman	1.85	Hunt	1.88
Collin	1.88	Hutchinson	1.77
Collingsworth	1.84	Irion	1.80
Colorado	1.97	Jack	1.88
Comal	1.93	Jackson	1.98
Comanche	1.87	Jasper	2.00
Concho	1.87	Jeff Davis	1.73
Cooke	1.88	Jefferson	2.08
Coryell	1.90	Jim Hogg	1.99
Cottle	1.82	Jim Wells	2.05
Crane	1.80	Johnson	1.90
Crockett	1.78	Jones	1.84
Crosby	1.80	Karnes	1.99
Culberson	1.73	Kaufman	1.90
Dallam	1.76	Kendall	1.92
Dallas	1.90	Kenedy	2.03
Dawson	1.80	Kent	1.82
Deaf Smith	1.80	Kerr	1.92
Delta	1.88	Kimble	1.87
Denton	1.89	King	1.83
De Witt	1.98	Kinney	1.84
Dickens	1.80	Kleberg	2.05
Dimmit	1.87	Knox	1.84
Donley	1.81	Lamar	1.87
Duval	1.99	Lamb	1.80
Eastland	1.86	Lampasas	1.90
Ector	1.79	La Salle	1.92
Edwards	1.84	Lavaca	1.95
Ellis	1.90	Lee	1.94
El Paso	1.73	Leon	1.93
Erath	1.88	Liberty	2.04
Falls	1.92	Limestone	1.92
Fannin	1.88	Lipscomb	1.76
		Live Oak	2.01

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Llano	$1.88	San Augustine	$1.97
Loving	1.76	San Jacinto	2.00
Lubbock	1.80	San Patricio	2.08
Lynn	1.80	San Saba	1.88
McCulloch	1.87	Schleicher	1.80
McLennan	1.91	Scurry	1.82
McMullen	1.97	Shackelford	1.86
Madison	1.95	Shelby	1.93
Marion	1.90	Sherman	1.76
Martin	1.80	Smith	1.91
Mason	1.87	Somervell	1.89
Matagorda	2.00	Starr	2.01
Maverick	1.83	Stephens	1.87
Medina	1.92	Sterling	1.82
Menard	1.87	Stonewall	1.84
Midland	1.79	Sutton	1.83
Milam	1.93	Swisher	1.80
Mills	1.90	Tarrant	1.89
Mitchell	1.80	Taylor	1.84
Montague	1.88	Terrell	1.73
Montgomery	2.04	Terry	1.80
Moore	1.77	Throckmorton	1.86
Morris	1.88	Titus	1.88
Motley	1.82	Tom Green	1.84
Nacogdoches	1.93	Travis	1.91
Navarro	1.90	Trinity	1.97
Newton	2.00	Tyler	2.00
Nolan	1.83	Upshur	1.90
Nueces	2.08	Upton	1.80
Ochiltree	1.76	Uvalde	1.90
Oldham	1.80	Val Verde	1.79
Orange	2.04	Van Zandt	1.90
Palo Pinto	1.88	Victoria	2.00
Panola	1.91	Walker	2.00
Parker	1.89	Waller	2.04
Parmer	1.80	Ward	1.79
Pecos	1.78	Washington	2.00
Polk	2.00	Webb	1.94
Potter	1.80	Wharton	2.00
Presidio	1.73	Wheeler	1.81
Rains	1.90	Wichita	1.85
Randall	1.80	Wilbarger	1.85
Reagan	1.80	Willacy	2.07
Real	1.90	Williamson	1.91
Red River	1.87	Wilson	1.94
Reeves	1.73	Winkler	1.79
Refugio	2.05	Wise	1.89
Roberts	1.77	Wood	1.90
Robertson	1.93	Yoakum	1.80
Rockwall	1.89	Young	1.87
Runnels	1.84	Zapata	1.96
Rusk	1.91	Zavala	1.88
Sabine	1.97		

UTAH

All counties	$1.67

VIRGINIA

All counties	$1.85

WASHINGTON

All counties	$1.69

WISCONSIN

All counties	$1.60

WYOMING

All counties	$1.59

(b) *Discounts.* The basic loan and purchase rate shall be adjusted by discounts as follows:

	Cents per hundredweight
(1) Class: Mixed grain sorghum	3
(2) Grade:	
U.S. No. 3 (not over 14 percent moisture)	3
U.S. No. 4 (not over 14 percent moisture)	5
Smutty	5

	Cents per hundredweight
(3) Weed control law (where required by § 1421.25)	15
(4) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the grain sorghum, such as (but not limited to) moisture, heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. Such discounts will be established not later than the time delivery of grain sorghum to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.	

NOTE: Discounts are cumulative except only one grade discount shall be applied.

Effective date: Upon publication in the FEDERAL REGISTER (6-20-72).

Signed at Washington, D.C., on June 10, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-9153 Filed 6-19-72;8:45 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[72-677]

PART 545—OPERATIONS

New Community Development

JUNE 9, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.6-22 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-22) for the purpose of implementing an amendment to section 5(c) of the Home Owners' Loan Act of 1933, as amended, which authorizes Federal savings and loan associations to invest in loans or obligations guaranteed under part B of the Urban Growth and New Community Development Act of 1970, in addition to the previously authorized investment in loans and obligations guaranteed under the New Communities Act of 1968. Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.6-22 by revising the section heading and paragraph (a) thereof to read as follows, effective June 20, 1972:

§ 545.6-22 **Loans and investments relating to development of new communities.**

(a) *General.* Without regard to any other provision of this part, a Federal association which has a charter in the form of Charter K (rev.) or Charter N may invest in loans or obligations, or interests therein, guaranteed, in whole or in part, or as to which a commitment or agreement for any such guarantee has been made, under the New Communities Act of 1968 or under part B of the Urban Growth and New Community Development Act of 1970, as now or hereafter in effect.

* * * * *

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

Resolved further that, since the above amendment merely implements a statutory change broadening an existing authorization and does not impose additional requirements, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.72-9221 Filed 6-19-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-EA-66, Amdt. 39-1467]

PART 39—AIRWORTHINESS DIRECTIVE

American Aviation Aircraft

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to amend AD 72-6-2 applicable to American Aviation AA-1 and AA-1A type airplanes.

Since the promulgation of AD 72-6-2 worn and broken aileron and elevator control cables have been reported. Since this deficiency can exist in other aircraft of similar type design, AD 72-6-2 is being amended to include the aileron and elevator control cables in the inspection.

As the foregoing requires expeditious adoption of the amendment, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to amend AD 72-6-2 as follows:

1. In the preface to paragraph a.

(i) After the words "To detect worn and broken rudder" insert the words "aileron and elevator control cables and pulleys" and delete the words "and worn rudder pulleys".

(ii) In the phrase "within the last 100 hours" delete the figure "100" and insert in lieu thereof "75".

2. In paragraph a.

(i) After the words "inspect all rudder" insert the words "aileron and elevator".

(ii) In the second sentence delete the word "rudder" wherever it appears.

This amendment is effective June 27, 1972.

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

Issued in Jamaica, N.Y., on June 9, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-9193 Filed 6-19-72;8:45 am]

[Docket No. 72-EA-48, Amdt. 39-1465]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revoke AD 69-15-11 and issue a new airworthiness directive applicable to Fairchild Hiller 1100 and FH-1100 type rotorcraft.

There have, over an extended period of time, occurred low time failures of the coupling shaft assembly diaphragm plates which have caused power loss to the transmission. A prime cause of the failure has been the initiation and progression of corrosion of the diaphragm plates. The manufacturer has developed a new shaft assembly, P/N 19E49-3E, which testing has demonstrated as having superior endurance capability. Thus this airworthiness directive is being issued to require inspection and eventual replacement of all other part numbers.

Because of the low time failures, air safety requires expeditious adoption of this amendment and therefore notice and public procedure hereon are impractical and reason exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

1. Revoke AD 69-15-11

2. Add the following new airworthiness directive:

FAIRCHILD HILLER. Applies to Models 1100 and FH-1100 helicopters certificated in all categories.

Compliance required after the effective date of this AD as follows:

1. For helicopters incorporating P/N 19E49-3A or 3B engine-to-transmission drive shaft assemblies, replace the assemblies within 15 hours in service with P/N 19E49-3C assemblies which have accumulated less than 350 hours on their diaphragm end packs, or with P/N 19E49-3E assemblies.

2. For helicopters incorporating P/N 19E49-3C engine-to-transmission drive shaft assemblies with 350 hours or more in service on their diaphragm end packs, replace the assemblies with P/N 19E49-3E assemblies within the next 50 hours in service.

3. For helicopters incorporating P/N 19E49-3C engine-to-transmission drive shaft assemblies with less than 350 hours in service on their diaphragm end packs, replace the assemblies with P/N 19E49-3E assemblies prior to the accumulation of 400 hours in service.

4. Within the next 50 hours in service, unless already accomplished within the last 50 hours in service and every 50 hours in service thereafter, inspect horizontal and vertical alignment, and axial end play of each drive shaft assembly in accordance with sections 24-21-4 and 24-21-5 of Fairchild-Hiller FH-1100 Service Manual revised March 1, 1972, or alternative method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. When alignment or axial end-play limits are exceeded, replace components and check engine and transmission rigging in accordance with the service manual instructions.

5. The repetitive inspections required by Item 4 above may be extended to 100-hour intervals when P/N 19E49-3E assembly is installed. These inspections shall be conducted whenever a hard landing is made, the engine, the engine-to-transmission drive shaft, engine transmission support strut, or transmission isolation mount is removed or replaced.

(Fairchild-Hiller Service Bulletin FH-1100-24-4 pertains to this subject.)

This amendment is effective June 27, 1972.

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

Issued in Jamaica, N.Y., on June 9, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-9194 Filed 6-19-72;8:45 am]

[Docket No. 72-EA-60, Amdt. 39-1466]

PART 39—AIRWORTHINESS DIRECTIVE

Hartzell Aircraft Propellers

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to amend AD 71-21-9 applicable to certain models of Hartzell aircraft propellers.

It appears that some repair facilities are failing to replace propellers after alteration in accordance with the instructions in the applicable service bulletin. While such action is already required, the AD is being slightly reworded to insure adherence to such installation requirement.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of the Federal Aviation Regulations is amended so as to amend AD 71-21-9 as follows:

1. Amend AD 71-21-9 by inserting after the words "Spring Backup Kit" the words "and the propeller".

This amendment is effective June 27, 1972.

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

Issued in Jamaica, N.Y., on June 9, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-9195 Filed 6-19-72;8:45 am]

[Airspace Docket No. 72-SO-61]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Myrtle Beach AFB, S.C., control zone.

The Myrtle Beach AFB control zone is described in § 71.171 (37 F.R. 2056) and is presently effective 24 hours per day. Since the control tower will begin operating from 0700 to 2300 hours, local time, daily, effective July 1, 1972, it is necessary to alter the control zone to redesignate it as part time. Since this amendment lessens the burden on the public, 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., July 1, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Myrtle Beach AFB, S.C., control zone is amended as follows: "This control zone is effective from 0700 to 2300 hours, local time, daily." is added to this description.

(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 June 9, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-9196 Filed 6-19-72;8:45 am]

[Airspace Docket No. 72-CE-14]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Lincoln, Nebr., control zone.

Since designation of controlled airspace at Lincoln, Nebr., a RNAV instrument approach procedure to Runway 14 at the Lincoln Municipal Airport has been developed with the result that a minor adjustment to the Lincoln control zone description is necessary to provide adequate controlled airspace protection for aircraft utilizing this procedure. The modification involves a 1.5-mile control zone extension along the extended centerline of Runway 14/32. Accordingly, action is taken herein to reflect this change.

Since this alteration is minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 17, 1972, as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

LINCOLN, NEBR.

Within a 6-mile radius of Lincoln Airport (latitude 40°50'58" N., longitude 96°45'31" W.); and within 1.5 miles each side of the 325° track angle from the Runway 14 threshold extending from the 6-mile radius to 7 miles northwest of the Lincoln Airport; and within 2 miles each side of the Lincoln ILS localizer north course extending from the 6-mile radius to 14 miles north of the Lincoln Airport; and within 2 miles either side of the Lincoln VORTAC 015° radial extending from the 6-mile radius to 8 miles north of the Lincoln VORTAC; and within 2 miles each side of the Lincoln VORTAC 187° radial extending from the 6-mile radius to 13 miles south of the Lincoln VORTAC excluding the airspace within a 1-mile radius of Arrow Airport (latitude 40°52'00" N., longitude 96°39'15" W.)

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

Issued in Kansas City, Mo., on June 8, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-9297 Filed 6-19-72;8:51 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER G—APPROVED FORMS; NATURAL GAS ACT

[Docket No. R-393; Order 428-D]

PART 250—FORMS

Exemption of Small Producers From Regulation; Annual Statement; Correction

MAY 17, 1972.

In the order revising annual statement, issued May 4, 1972, and published in the FEDERAL REGISTER May 12, 1972, F.R. 37 (9559): Paragraph 2, lines 2 and 3; change "April 9, 1971," to "May 10, 1971,"; paragraph (C), Line 2, change "April 7, 1971," to "May 10, 1971,".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9256 Filed 6-19-72;8:50 am]

Title 20—EMPLOYEES' BENEFITS

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

[Reg. 5, further amended]

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

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

TERMINATION OF PROVIDER AGREEMENT AND RECISSION OF SERVICES OF INDEPENDENT LABORATORIES OR SUPPLIER OF PORTABLE X-RAY SERVICES

On January 27, 1972, there was published in the FEDERAL REGISTER (37 F.R. 1249) a notice of proposed rule making with proposed amendments to Subpart F of Regulation No. 5 which would require that the notice of termination of a provider agreement, given to the provider and to the public, shall state the reasons for termination and that similar disclosure shall be made with respect to diagnostic tests furnished by independent laboratories and suppliers of portable X-ray services.

Interested parties were given 30 days in which to submit data, views, or arguments pertaining to the proposed amendments.

After consideration of all comments received, the amendments as so proposed are hereby adopted subject to the following change: § 405.640 has been changed to require that notice of an initial determination shall be mailed to an independent laboratory or supplier of portable X-ray services at least 15 days before the date on which the coverage of services is to be rescrinded. This will afford independent laboratories and suppliers of portable X-ray services a period similar to the 15-day period afforded providers of services before a proposed termination of a provider agreement may become effective.

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (6-20-72).

(Secs. 1102, 1861, 1866, 1871, 49 Stat. 647, as amended, 79 Stat. 325, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.)

Dated: May 23, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 14, 1972.

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

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

1. The title of Subpart F is amended to read as follows: "Agreements, Elections, Contracts, Nominations, and Notices."

2. Paragraph (b) of § 405.614 is revised to read as follows:

§ 405.614 Termination by Secretary.

* * * * *

(b) *Notice of termination.* The Secretary shall give notice of termination to the provider of services at least 15 days before the effective date of termination of the provider's agreement. In addition to giving notice to the provider, the Secretary shall also give notice of such termination to the public. Each notice of termination by the Secretary shall state the reasons for the termination of the provider agreement, the effective date of the termination, and the applicability of termination (see § 405.615), as it relates to the services of the provider.

* * * * *

3. New § 405.640 is added to read as follows:

§ 405.640 Notice of determination by the Secretary rescinding approval of coverage of services of independent laboratory or supplier of portable X-ray services.

(a) *Notice to the institution.* Whenever the Secretary shall determine that an independent laboratory or supplier of portable X-ray services no longer meets the conditions for coverage of some or all of its services, he shall send written notice of his determination to the institution, specifying a date, not less than 15 days later than the date of such notice, whereon coverage of the said services is to be rescinded. The notice shall state the reasons for the determination that services are not covered under section 1861(s)(3) of the Act and, in the case of an independent laboratory, the applicability of the determination to the various categories of diagnostic tests performed (see § 405.1314).

(b) *Public notice.* The Secretary shall also give notice of such determination to the physicians, hospitals, and other parties having an interest in knowing the terms of the determination, and the notice shall state the reasons for the determination that services are not covered under section 1861(s)(3) of the Act, and it shall specify the effective date on which coverage of services is rescinded and, in the case of an independent laboratory, the applicability of the determination to the various categories of diagnostic tests performed.

[FR Doc.72-9268 Filed 6-19-72;8:49 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

HYDROGENATED CASTOR OIL

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 0B2558) filed by Imperial Chemical Industries, Ltd., Plastics Division, Bessemer Road, Welwyn Garden City, Hertfordshire, England, and other relevant material, concludes that the food additive regulations should be amended: (1) To provide for the safe use of hydrogenated castor oil as a lubricant for vinyl chloride polymers used in the manufacture of articles or components of articles intended for food-contact use, and (2) to provide a cross-reference for uses of this additive that are permitted elsewhere in Subpart F.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart F by adding the following new section:

§ 121.2620 Hydrogenated castor oil.

Hydrogenated castor oil may be safely used in the manufacture of articles or components of articles intended for use in contact with food subject to the provisions of this section.

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect.

(b) The additive is used as follows:

Use	*Limitations*
1. As a lubricant for vinyl chloride polymers used in the manufacture of articles or components of articles authorized for food-contact use.	For use only at levels not to exceed 4 percent by weight of vinyl chloride polymers.
2. As a component of cellophane_____	Complying with § 121.2507.
3. As a component of resinous and polymeric coatings.	Complying with § 121.2514.
4. As a component of paper and paperboard in contact with aqueous and fatty food.	Complying with § 121.2526.
5. As a component of closures with sealing gaskets for food containers.	Complying with § 121.2550.
6. As a component of cross-linked polyester resins.	Complying with § 121.2576.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must

state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6–20–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 9, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–9206 Filed 6–19–72;8:46 am]

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin Estolate Oral Suspension

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), § 148e.34 *Erythromycin estolate oral suspension* is amended in paragraph (a)(1) by changing the second sentence to read "Each milliliter contains erythromycin estolate equivalent to 25, 50, or 100 milligrams of erythromycin."

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6–20–72).

(Sec. 507, 59 Stat 463, as amended; 21 U.S.C. 357)

Dated: June 10, 1972.

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

[FR Doc.72–9207 Filed 6–19–72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114–25—GENERAL

Subpart 114–25.3—Use Standards

PROHIBITION AGAINST USE OF LEAD-BASED PAINT

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–25.3 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER (6–20–72).

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

JUNE 14, 1972.

The index for Subpart 114–25.3 is amended by renumbering "114–25.300–50" to read "114–25.350" and adding the title of new § 114–25.351 so that the fourth and fifth items in the index will read as follows:

Sec.
114–25.350 Standard lettering for bench marks and corner markers.
114–25.351 Prohibition against use of lead-based paint in Federal and federally assisted construction.

Section 114–25.300–50 is renumbered 114–25.350 so that the caption will read as follows:

§ 114–25.350 Standard lettering for bench marks and corner markers.

* * * * *

A new § 114–25.351 is added to Subpart 114–25.3 as follows:

§ 114–25.351 Prohibition against use of lead-based paint in Federal and federally assisted construction.

Regulations implementing section 401 of the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695, 84 Stat. 2078) were promulgated by the Secretary of Health, Education, and Welfare by publication in the FEDERAL REGISTER on March 7, 1972 (37 F.R. 4915). These regulations (42 CFR Part 90) are applicable to all Federal agencies and prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance in any form.

(a) *Definitions.* (1) "Lead-based paint," as defined in section 501(3) of the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2080; 42 U.S.C. 4841(3)), means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied.

(2) "Residential structure" means any house, apartment, or structure intended for human habitation including any institutional structure where persons reside such as an orphanage, boarding school dormitory, day care center, or extended-care facility (42 CFR 90.2(f)).

(3) "Applicable surfaces" means all interior surfaces and those exterior surfaces, such as stairs, decks, porches, railings, windows, and doors, which are readily accessible to children under 7 years of age (42 CFR 90.2(g)).

(b) *Implementation.* (1) No bureau or office of the Department of the Interior shall, in the construction or rehabilitation of any residential structure, use or permit the use of lead-based paint on applicable surfaces.

(2) The head of each bureau and office shall issue regulations and take such other steps as in his judgment are necessary to prohibit the use of lead-based paint on applicable surfaces of any residential structures constructed or rehabilitated under any federally assisted program under his jurisdiction. Such regulations shall require the inclusion of appropriate provisions in contracts and subcontracts pursuant to which such federally assisted construction or rehabilitation is performed, prohibiting such use of lead-based paint, and shall include provisions for enforcement of that prohibition.

[FR Doc.72–9226 Filed 6–19–72;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2332]

PART 1820—APPLICATION PROCEDURES

Subpart 1821—Execution and Filing of Forms

PLACE FOR FILING LANDS AND MINERALS APPLICATIONS IN CALIFORNIA

On Page 7004 of the FEDERAL REGISTER of April 7, 1972, there was published a notice and text of a proposed amendment to Subpart 1821 of Title 43, Code of Federal Regulations. The purpose of the amendment is to improve efficiency of administering the public land laws and to improve service to the public in regard to filing and processing public lands and minerals applications and cases in California. The amendment provides for the filing of all such applications in the Sacramento Land Office in furtherance of a proposal to transfer to Sacramento the responsibilities for receiving and adjudicating applications and cases now filed and processed in Riverside.

The amendment changes the address of the Colorado Land Office which has been moved to a new location and will specifically identify the Fairbanks Land Office.

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. In addition, a public meeting was held in Riverside, Calif., on May 4, 1972, for receiving public comments. Twenty-three comments were received.

Comments received indicate that although the amendments may cause some inconvenience to certain individuals who do business with the land office, overall it would not adversely affect those served by the land office. In view of the benefits that will accrue to the public and to the efficiency of the Government, the proposed amendment is hereby adopted without change, and is set forth below.

This amendment shall become effective on August 15, 1972.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 14, 1972.

Section 1821.2–1 of Subpart 1821, Title 43 of the Code of Federal Regulations is amended as follows:

1. Paragraphs (a), (b), and (c) are redesignated as (b), (c), and (d), respectively.

2. A new paragraph (a) is added to read as follows:

§ 1821.2–1 Office hours of land offices; place for filing.

(a) As used in Subchapters A, B, and C: (1) "Land offices" are the offices of the Bureau of Land Management in which applications for rights and privileges under Subchapters B and C of this title must be filed. (2) The "Washington Office" of the Bureau of Land Management is headquarters for the Bureau and is located in the Interior Building, Washington, D.C. 20240. (3) "Manager" is the official in charge of a land office.

* * * * *

3. In the list of Land offices in new paragraph (d),

(i) The name "Fairbanks District and Land Office" is changed to read "Fairbanks Land Office".

(ii) The reference to the "Riverside District and Land Office", its address, and area of jurisdiction is deleted in its entirety.

(iii) The area of jurisdiction of the Sacramento Land Office is changed from "Northern California" to "California".

(iv) The address of the Colorado Land Office is changed from "Federal Building, 1961 Stout Street" to "Colorado State Bank Building, 1600 Broadway".

(v) Footnote 2 and the diagram of California designated as "Footnote 2" is deleted.

[FR Doc.72–9223 Filed 6–19–72;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[41 CFR Part 14–7]

FIXED-PRICE CONSTRUCTION CONTRACTS

Notice of Withdrawal

The FEDERAL REGISTER of September 16, 1971 (36 F.R. 18531) gave notice of a proposed addition to the Interior Procurement Regulations (41 CFR Part 14–7) which would provide at § 14–7.602–50(8) a payments to sureties clause to be used in fixed-price construction contracts when the estimated cost of construction is in excess of $2,000.

Notice is hereby given that the proposal is withdrawn.

If future circumstances involving payments to sureties demand remedial action to protect the interest of the Government, a new amendment to the Interior Procurement Regulations will be proposed.

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

JUNE 14, 1972.

[FR Doc.72-9225 Filed 6-19-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 896]

TEXAS CANE SUGAR AREA

Proposed General Conditional Payments Provisions

Pursuant to the provisions of the Sugar Act of 1948 as amended, notice is hereby given that the Department of Agriculture proposes to issue a new regulation governing the conditional payments provisions of the Sugar Act of 1948, as amended, in the Texas Cane Sugar Area effective with respect to 1973 and subsequent crop years.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250. In order to be assured of consideration, submissions should be made within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director, at the above address during regular business hours (7 CFR 1.27(b)).

As proposed, the new Part 896 will read as follows:

PART 896—GENERAL CONDITIONAL PAYMENTS PROVISIONS—TEXAS CANE SUGAR AREA

Subpart A—General

Subpart B—Determination of Compliance With Conditions of Payments

Subpart C—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

Subpart D—Determination of Sugar Commercially Recoverable

AUTHORITY: The provisions of this Part 896 issued under secs. 301, 302, 303, 304, 305, 306, 403, 61 Stat. 929, as amended, 930 as amended, 931, 932; 7 U.S.C. 1131, 1132, 1133, 1134, 1135, 1136, 1153.

Subpart A—General

§ 896.1 Purpose.

This part prescribes the authorizations and procedures applicable to the Texas Cane Sugar Area under title III, Conditional Payments Provisions, of the Sugar Act of 1948, as amended, effective for 1973 and subsequent crop years.

§ 896.2 Definitions.

For the purpose of this part, the term:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Deputy Administrator" or "DASCO" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(d) "State Executive Director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office (herein referred to as ASCS State Office) or any employee of such office authorized to act on his behalf.

(e) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) "County Executive Director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service County Office (herein referred to as ASCS county office).

(g) "Act" or "Sugar Act" means the Sugar Act of 1948, as amended.

(h) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugarcane grown on a farm for the extraction of sugar or liquid sugar.

(i) "Processor-producer" means a producer who is determined to be also a processor. A producer shall be deemed to be also a processor:

(1) If such producer is directly engaged in the processing of sugarcane for sugar;

(2) If such producer, whether alone or in conjunction with others, controls a person directly engaged in the processing of sugarcane for sugar, either by stock ownership or otherwise; or

(3) If such producer is controlled, whether through stock ownership or otherwise, by a person directly engaged in the processing of sugarcane for sugar.

(j) "Farm" means all land within a State farmed by the same operator and shall include, in addition, any land in an adjoining State or States farmed by

such operator, if any of the equipment or labor used in the operation of the land in one State is also used in the operation of the land in the other State or States.

(k) "Operator" means, the producer (or producers) who has general control of the sugarcane operations on the farm. Guides to the county committee for determining the "operator" of a farm are set forth in subparagraphs (1) to (7), inclusive of this paragraph.

(1) The county committee shall determine the person (or persons acting together) who is a producer, as defined in paragraph (h) of this section, of the sugarcane crop and who has general control of the sugarcane operations and, hence, is the operator of all lands on which sugarcane operations are under his general control. The county committee shall determine the land that constitutes a farm in accordance with the definition of a farm in paragraph (j) of this section. To assist the county committee in determining who controls a sugarcane operation, there are set forth as follows certain factors that shall be given careful consideration in determining the operator of a farm. In developing information as to who controls a sugarcane operation where a partnership or legal entity such as a corporation is involved, the county committee shall consider whether an individual rather than the partnership or legal entity has the general control of the sugarcane operations and is a producer, as defined in paragraph (h) of this section, of the sugarcane crop.

(2) As possible indicia of control of a sugarcane operation, the county committee shall ascertain the producer who performs the following functions: (i) Controls the land (by ownership or lease); (ii) arranges for financing and is responsible for repayment of any loans or advances; (iii) arranges for and pays labor; and (iv) manages the sugarcane operations and makes the decisions with respect thereto.

(3) Also, as an indication of control over a sugarcane operation, the county committee shall ascertain whether a written record of accounts covering costs and income from such operations is maintained separately from that of any other operation in which the persons involved have an interest.

(4) Generally, the person (or persons acting together) who directs the sugarcane operation and who has the authority to make the final decisions with respect to growing, harvesting, and marketing the crop shall be considered as controlling the operation and, hence, the operator of the farm. Often, such person performs the actual farming functions himself. Usually, such person (or persons) also has the majority financial interest in the crop, either by direct ownership or indirectly by stock ownership or otherwise.

(5) Wherever a person has a substantial interest in more than one sugarcane operation, the county committee shall determine whether such operations are, in fact, separate and do not constitute a device to avoid the scale-down provisions of the Sugar Act.

(6) The fact that a person has a substantial interest or the majority financial interest in the crop of sugarcane does not preclude the county committee from determining that he is not the operator where it can be shown to the satisfaction of the committee that in consideration of other pertinent factors another person is a producer of the crop and controls the operations. Also, since the definition of a producer has been construed over a long period of time as not including a creditor whose only interest in a crop results from a lien upon a crop of sugarcane, such a creditor by not being a producer of such crop would not qualify as the operator of the land on which such crop was produced. For purposes of determining whether a person qualifies as a producer, as defined, the county committee should take into consideration that bare legal title does not solely determine the legal owner.

(7) In the following situations, it would appear that control of the sugarcane operations would be as indicated:

(i) Where two or more persons have the same ownership interest in a crop of sugarcane growing or grown on one or more tracts of land, and they are the only persons engaged in farming operations on such land, they will, generally, be considered as the operator of all of such land. However, if one or more of such persons is determined by the county committee as exercising control, he or they shall be considered as the operator.

(ii) Where a husband and wife not legally separated by judgment of a court are both engaged in the production of sugarcane and one of them shares in the crop produced on the land of the other, if the county committee determines that the one who shares in the crop of the other also controls the sugarcane operations of the other, the spouse exercising the control would be considered as the operator. If neither spouse shares in the sugarcane crop of the other, or the county committee determines that the indicia of control justify a conclusion that separate operations are involved, each such spouse would be considered as a separate operator.

(iii) If a minor child and a parent live in the same household and each is engaged in the production of sugarcane, the parent who is a producer of the crop would be considered the operator unless the county committee is satisfied that the minor child controls his sugarcane operations. However, the cosigning of a note by a parent to enable the child to obtain financing shall not of itself be considered as representing control by the parent. Any land farmed by a minor as a Future Farmers of America or 4-H project shall be considered a part of the parent's farm unless the land on which the sugarcane is grown is leased by the minor from someone other than the parent and the parent has no control over the operation.

(l) "Ownership tract" means a farm or portion of a farm which is separately owned.

(m) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(n) "Planted acres" means the acreage of sugarcane planted within the farm proportionate share which is either harvested for the extraction of sugar or liquid sugar or is abandoned (bona fide), insofar as its use in sugar production or as seed is concerned, because of drought, flood, storm, freeze, disease, or insects.

(o) "Abandoned acres" means the planted sugarcane acreage on the farm (not in excess of the farm's share minus the acreage harvested for sugar and seed) which meets all the requirements specified in § 896.31 (a) and (b) with respect to approved abandoned acreage.

(p) "Harvested acres" means any acreage of sugarcane on which all customary harvesting operations have been performed (cutting, topping, stripping, or burning) preparatory to marketing for the extraction of sugar or liquid sugar, provided such harvesting operations were performed at a time when such sugarcane was in a condition acceptable for processing for such purpose, and at a time when sugarcane was being processed for such purpose.

(q) "Accredited acreage" or "accredited acres" means the acres on the farm (within the share for such farm if shares are in effect) for any crop as designated by year on which sugarcane was grown and marketed (or processed) for the extraction of sugar or liquid sugar, except for use as livestock feed or for the production of livestock feed, or which was harvested for seed or which was determined by the county committee to have been bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment set forth in § 896.31 (a) and (b), as shown by office records of the county committee.

(r) "Cropland" means land suitable for the production of sugarcane on the farm.

(s) "Crop" means a crop of sugarcane and shall be designated by year to correspond to the year in which harvest begins in the Texas Cane Sugar Area. The term "crop year" means the crop designated by year as provided in this paragraph.

(t) "Annual yield for the farm" means the average yield in hundredweight of sugar commercially recoverable per planted acre, as computed from the production records applicable to all of the land constituting the farm in the crop year for which such annual yield is established.

(u) "County yield" means the average hundredweight of sugar commercially recoverable per planted acre in the county in a crop year, except that if the total number of farms producing such sugarcane was less than five for any such year, the county yield for such year shall be the yield established by the State committee on the basis of the yield which could have been reasonably expected that year in such county considering weather conditions and the yields obtained from other crops.

(v) "County normal yield" means the simple average of the county yields for all of the next preceding 5 crop years for which county yields are established, except that if county yields are established for three or more of such years on the basis of the yields which could have been reasonably expected in such years, the county normal yield shall be the yield established by the State committee on the basis of the yield which could have been reasonably expected in the county during such years considering weather conditions and the yields obtained from other crops.

(w) "Commercially recoverable sugar" means the amount of sugar, in hundredweight raw value, determined annually as commercially recoverable from sugarcane grown on a farm in the Texas Cane Sugar Area and marketed (or processed) for the extraction of sugar or liquid sugar.

(x) "Texas Cane Sugar Area" means the counties of Cameron, Willacy, Hidalgo, and Starr in the State of Texas.

§ 896.3 Instructions and forms.

DASCO shall cause to be prepared such forms and internal management instructions as are necessary for carrying out the regulations in this part and regulations hereafter issued. These forms, instructions, and data pertaining to the individual farms are available in the ASCS county office of the county in which the farm headquarters is located, or in the absence of a farm headquarters, in the ASCS county office of the county in which the major portion of land suitable for the production of sugarcane on the farm is located. A list of forms prescribed for the conditional payment program in the Texas Cane Sugar Area is set forth in § 896.6.

§ 896.4 Filing application for payment.

(a) *Form to be used.* Applications for payments authorized under title III of the Act with respect to sugar commercially recoverable from sugarcane grown on a farm, as well as for acreage abandonment and crop deficiency payments, shall be made on Form SU–120.

(b) *Person eligible to apply and certify compliance for payment.* The producer on the farm, or his legal representative, must sign and file the form in the ASCS county office or with a representative of such office for the county in which the farm headquarters is located or, in the absence of a farm headquarters, for the county in which the major portion of land suitable for the production of sugarcane on the farm is located. Each producer signing the application certifies that the application covers all land farmed as a unit as defined in § 896.2(j).

(c) *Closing date for filing.* Form SU–120 must be filed with respect to a crop of sugarcane no later than December 31 of the second calendar year following the year designating such crop. The producers shall be notified by the county office of the place and time the forms are available for signing.

(d) *Exception to closing date requirement.* An application may be filed after the closing date if the State committee determines that the applicant was prevented from filing by such date because of illness or other reason beyond his control.

(e) *Person eligible to receive payment.* Payment shall be made to a producer of the sugarcane in accordance with the provisions of section 304(d) of the Act. In the event of death, disappearance, or incompetency of the producer, payment shall be made to the beneficiary designated in the application for payment by the producer, or if no such beneficiary is named, to the producer's legal representative or his heirs as determined by the county committee.

(f) *Assignments.* Sugar Act payments may not be assigned.

(g) *Receivers.* A Sugar Act payment may not be made to a receiver.

§ 896.5 Computation of Sugar Act payment.

Payment is made as to each farm, and the amount of payment is scaled down as shown in the following table when the quantity of sugar for which payment may be made as determined from sugarcane planted on the farm exceeds 7,000 hundredweight. The Sugar Act payment for the amount of commercially recoverable sugar determined for a farm shall be computed by the county committee in accordance with the following table:

If the hundredweight of commercially recoverable sugar determined for a farm is—	Multiply it by—	Then add—
1 to 7,000	$0.80	$0
7,001 to 14,000	.75	350
14,001 to 20,000	.70	1,505
20,001 to 30,000	.60	3,050
30,001 to 60,000	.55	4,550
60,001 to 120,000	.525	6,050
120,001 to 240,000	.50	9,050
240,001 to 600,000	.475	15,050
More than 600,000	.30	120,050

Example. If the hundredweight of commercially recoverable sugar determined for a farm is 50,000 hundredweight: 50,000×$0.55 equals $27,500 plus $4,550 totals $32,050, the amount of payment.

§ 896.6 List of prescribed forms.

Forms prescribed for the conditional payment program in the Texas Cane Sugar Area.

FORM NUMBER AND TITLE

SU–79—Application To Produce and Market Sugar Under Bond.
SU–120—Application for Payment.
SU–120–1—Supplement to Application for Payment.
SU–122—Sugarcane Record Card.
SU–122–A—Sugarcane Record Worksheet.
SU–125—Notice of Farm Proportionate Share.
SU–126—Worksheet for Computing Farm Base and Proportionate Share.
SU–126–A—Worksheet for Dividing Proportionate Share, 19__.
SU–126–B—Worksheet for Consolidating Proportionate Share, 19__.
SU–127—Farm Normal Yield Worksheet.
SU–130—Report of Performance.
SU–130–A—Summary of Measured Sugarcane Acreage and Disposition of Acreage in Excess of Proportionate Share.
SU–132—Report of Sugarcane Deliveries.
SU–134—Daily Wage Rate Record Sheet.
SU–140—Child Labor and Wage Compliance Report.
SU–141—Request for New Producer Proportionate Share.
SU–142—Request for Additional Proportionate Share.
SU–191—Claim Against Producer for Unpaid Wages.
SU–195—Sugar Act Payment Deductions.
ASCS–578—Report of Acreage.
SU–303—Notice of Acreage Commitment.

Subpart B—Determination of Compliance With Conditions of Payments

§ 896.10 Obtaining information regarding eligibility for payment.

(a) Where it is necessary to obtain information to assist the county committee in determining compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment or the amount thereof, or

(b) Where it is necessary to assist the State committee or the Deputy Administrator in reviewing upon appeal, or upon their own initiative, any such determination by the county committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title, as amended.

(c) In the absence of a provision in such Part 718 of this title for obtaining any such information, any employee of the ASCS county office or employees of the ASCS State office designated respectively by the County Executive Director or by the State Executive Director to be qualified to perform such a duty may obtain such information.

§ 896.11 Conditions of payment not met where producer prevents obtaining information.

If the producer, or his representative, on any farm with respect to which application is made for any payment authorized under title III of the Act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, the conditions prescribed by the Act and regulations for any such payment shall be deemed not to have been met until such producer or his representative permits such information to be obtained.

§ 896.12 Compliance with child labor provisions of the Act.

(a) *Applicability.* As a condition for payment under the Act, and except for a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed, no child under the age of 14 shall have been employed or permitted to work on the farm, whether for gain to such child or any person, in the production, cultivation, or harvesting of a crop of sugarcane with respect to which application for payment is made, nor be so employed or permitted to work for a longer period than 8 hours in any one day if 14 or 15 years old.

(b) *Deduction for noncompliance.* Payment authorized under the Act may be

made notwithstanding a failure to comply with the conditions set forth in paragraph (a) of this section, but the payments made with respect to any crop shall be subject to a deduction of $10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work contrary to the provisions of this section.

(c) *Proof of age.* The operator of a farm upon which a child is found by a representative of the ASCS county or State office or county or State committee to have worked or to be working in the production, cultivation, or harvesting of a crop of sugarcane shall be required upon request of the representative to furnish proof of age of the child if such child is not a member of the immediate family of a person owning at least 40 percent of the crop of sugarcane at the time such work was performed. Proof of age may be established by (1) an age certificate issued pursuant to any child labor program carried out under State or Federal supervision or other authorized personnel such as a school superintendent or principal, (2) a birth certificate or transcript thereof, (3) a baptismal certificate showing the date of birth, (4) a passport, (5) an insurance policy, or (6) a Bible record.

(d) *Proving child member of producer's immediate family.* If it is alleged that the child is a member of the immediate family of a person who owns such 40 percent of a crop, such person or the operator of the farm must establish such relationship to the satisfaction of the representative of the ASCS county or State office or county or State committee. "Member of the immediate family" is deemed to include children who constitute the household of a person when such person is responsible for and provides the support of such children either as parent or in place of the parent.

(e) *Checking compliance with child labor provisions.* In accordance with instructions issued by DASCO, the county committee shall determine by random selection the farms on which child labor compliance checks shall be made. The farm operator shall be notified immediately of any violation of these provisions.

§ 896.13 Sharecropper or share tenant protection.

For any crop designated by year the number of share tenants or sharecroppers engaged in cane production on the farm shall not be reduced below the number so engaged for the previous crop unless such reduction is approved by the county committee. In considering such approval, the county committee shall be guided by whether the reduction resulted from voluntary action of the tenants or sharecroppers, or was otherwise beyond the producer's control. The producer shall not have entered into any leasing or cropping agreement to direct payments to him to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect except with the approval of the county committee prior to entering into the leasing or cropping agreement for the current crop. Failure to comply with these provisions will result in the forfeiture of the Sugar Act payment.

§ 896.14 Compliance with the acreage certification and land use provisions.

When proportionate shares are in effect for a crop, if the operator of a farm located in a county designated in Part 718 of this title as a county in which farm operator's certification of the acreage and land use may be accepted in lieu of farm inspection and measurements fails to file a report in compliance with § 718.8(b)(6) of this title, or files a timely report showing that the acreage of cane is within the share for the farm and the county or State committee later determines that such acreage is in excess of the share and was knowingly reported incorrectly by the operator, no payment shall be made with respect to such farm.

§ 896.15 Compliance with other conditions of payment.

All requirements of the Act and the regulations issued pursuant thereto with respect to wage rates, farm proportionate shares (if in effect) and, in case of a processor-producer, prices paid for sugarcane shall be met to be eligible for payment under the Act.

§ 896.16 Credit for accredited sugarcane acreage record.

For the purpose of compiling sugarcane production records for use in establishing shares, the subdivisions of any farm which is subdivided shall be credited with the accredited sugarcane acreage record of such farm for the three crops immediately preceding the crop year when such farm is subdivided as provided in paragraphs (a) and (b) of this section.

(a) The county committee shall apportion such record among the subdivisions on the basis of the cropland suitable for the production of sugarcane in such subdivisions. However, if the county committee determines that the use of the cropland relationship is materially inconsistent with the accredited acreage of sugarcane of such three crops grown on any subdivision, or is not representative of the sugarcane acreage of the crop growing or grown on any subdivision in the year designating such crop when such farm is subdivided, such subdivisions shall be credited with a pro rata share of the accredited acreage record of the farm for such three crops, determined either on the basis of the total accredited acreage of sugarcane of such three crops on each subdivision or on the basis of the acreage of sugarcane of the crop growing or grown and harvested on each subdivision in the year designating such crop when such farm is subdivided.

(b) If all persons concerned as owners or farm operators in the subdivision sign and file a written request with the county committee to credit each subdivision with all, a portion, or none of the accredited sugarcane acreage record of the farm being subdivided as agreed to therein, each subdivision shall be credited with the accredited acreage record of the farm for such three crops as set forth in the written request, except that the portion of the accredited acreage record credited to any subdivision by the county committee on the basis of a written agreement between the interested persons shall not exceed the cropland suitable for the production of cane on such subdivision. However, if the land comprising a subdivision to which accredited sugarcane acreage record has been credited on the basis of a written agreement of all concerned persons should, within 3 years from the date of such agreement, be transferred in whole or in part from the farm in which it is included, the accredited acreage record credited to such land may not be credited on the basis of a written agreement of the persons concerned in such transfer but shall be credited on the basis of cropland suitable for production as provided in paragraph (a) of this section and if applicable as provided in paragraph (c) of this section.

(c) A reconstituted farm consisting of any combination of farms, combination of subdivisions of farms, or combination of farms and subdivision of farms shall be credited with the total of the accredited acreage records determined for the constituent parts of the farm for the three crops immediately preceding the crop year when such combination occurs.

§ 896.17 Determination of eligibility and basis for payment, review, and appeals.

The finality provisions of section 306 of the Act apply to determinations made in conformity with the regulations in this section. Compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee, any such determination to be subject to redetermination initiated by the county committee and to review initiated by the State committee and to approval or redetermination by the State committee. Any determination by the State committee shall be subject to redetermination initiated by the State committee and to review initiated by the Deputy Administrator and to approval or redetermination by the Deputy Administrator. Determinations and redeterminations by the county committee, the State committee, or the Deputy Administrator shall be made and decided in accordance with the applicable provisions of the Act and regulations issued by the Secretary thereunder and on the facts in the individual case. The producers on the farm with respect to which such a determination or redetermination is made shall be promptly notified in writing of the substance and meaning of the determination or redetermination, the amounts of any payments and any reduction in payments which are determined; and that the producer may obtain reconsideration or review of the determination or redetermination and an informal hearing in connection therewith, by filing a written request within 15 days from the date of mailing of such

written notification. The written notification also shall state where the request for reconsideration or review should be filed and where further information in regard to appeal procedure and the hearing may be obtained. The provisions apprising producers of their rights to request reconsideration or appeal from determinations affecting their eligibility for or the amount of payments under the Act, and the procedure to follow in such instances including time limitations for filing requests for reconsideration and appeals are contained in Chapter VII, Part 780 of this title. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary.

§ 896.18 Notification of shares when shares are in effect.

Each operator of a farm for which a share is established and each applicant filing a request for a new-producer share shall be notified in writing on behalf of the county committee of the share established for his farm (even if "none" in case of a new-producer request) and of his right to appeal under § 896.17 and each such person shall be notified in writing of any adjustment or change made in the share.

§ 896.19 Harvesting within the farm's share when shares are in effect.

In addition to other conditions of payment, a producer must comply with the following provision to be eligible for payment under the Act when shares are in effect.

(a) *Harvesting for sugar.* When shares are in effect for any crop designated by year, the total acreage of cane of such crop on the farm harvested for seed, and harvested and marketed (or processed) for sugar production (except livestock sugar) shall not exceed the final share determined for the farm.

(b) *Harvested for seed.* The acreage of cane harvested for seed purposes from a farm and planted as seed on another farm will be considered as acreage of the latter farm harvested for seed for purposes of compliance with the share established for such latter farm, except where the seed cane was harvested within the share established for the farm on which grown or from an experimental farm operated by a State or Federal agency. Where such seed cane was grown on a farm for which a share was not established the operator of the farm on which the seed cane is planted shall notify the county committee prior to the acquisition of the seed cane so that the committee may determine, at the expense of the operator, the acreage to be harvested for such purpose, or in the absence of such notification the county committee shall determine, at the expense of the operator, the acreage harvested for such purpose, or shall determine the acreage harvested for seed by estimate or calculation from information available to it.

(c) *Harvested for sugar and seed in excess of farm share.* The producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where cane was marketed (or processed) for sugar or for sugar and seed from an acreage on the farm (including acreage of seed cane attributed to such farm under this paragraph) in excess of the share: *Provided,* That (1) such excess acreage is not more than the larger of four-tenths acre or 2 percent of the share but not in excess of 5 acres, (2) the county committee finds and the State committee concurs that such marketings (or processings) were unintentional, and (3) within 1 year after the processing of such excess cane the operator arranges for the raw value equivalent of sugar produced from cane in the Texas Cane Sugar Area, and not marketed to fill a quota for such area as provided in Part 816 of this chapter, to be made subject to a bond given pursuant to Part 816 of this chapter, which provides that a condition of such bond shall be that the sugar shall be used for livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from cane marketed (or processed) from the acreage within such share.

§ 896.20 Notification of excess sugarcane acreage when shares are in effect.

If the county committee determines for any crop that the acreage of sugarcane on any farm is in excess of the acreage established as the share for such farm, written notice of such excess acreage and of the eligibility requirements for payment shall be mailed to the person who is listed on the ASCS county office records as the operator of the farm.

§ 896.21 Erroneous notice of share or of excess sugarcane acreage when shares are in effect.

If through error, an operator is officially notified of a share for his farm greater than the share properly established or is furnished an incorrect notice of excess sugarcane acreage, or if the determined acreage of sugarcane is in excess of the share for the farm and notice thereof is not mailed to the operator, and it is found by the county committee that such operator, acting solely on the information contained in the erroneous notice or without a notice of excess sugarcane acreage being mailed to him, marketed sugarcane from an acreage in excess of the share properly established, the operator will be deemed to be in compliance with the share unless he harvested sugarcane for seed or marketed sugarcane for sugar from an acreage in excess of the share stated in the erroneous notice, or unless it is determined by the county committee that the error in the share or notice was so gross, or that the excess acreage was so gross as to place the operator on notice regarding the error in the share or of the existence of the excess acreage. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar determined by the county committee to be commercially recoverable from the sugarcane marketed (or processed) from the acreage within the properly established share.

§ 896.22 Disposition of excess acreage when shares are in effect.

The provisions of this section apply if the county committee determines there is acreage of cane on a farm in excess of the share.

(a) Excess acreage which the operator elects to plow-out, abandon, or harvest for purposes other than for sugar (except livestock sugar) or seed may be disposed of at any time. Notification must be given to the county committee by the operator when and how disposition will be made to permit verification by a committee representative of the action taken. Excess acreage of cane disposed of concurrently with acreage harvested within the share must be clearly identified by a county committee representative. Such excess acreage must be so located that it may be disposed of without interfering with the harvest of the proportionate share acreage. The identity of such excess acreage must be maintained after harvest to assure that proper disposition was made: *Provided,* That if cane is harvested from excess acreage for sirup concurrently with the harvest of cane within the share for seed or sugar other than for livestock sugar, and such acreage is not identified as provided above, the producer shall not market a quantity of cane for sugar production or seed greater than the total of the tonnages of cane marketed for sugar, seed, and sirup multiplied by the percentage that the acreage harvested for sugar and seed on the farm is of the total acreage of all cane so marketed.

(b) An estimate of the average tons of cane per acre growing on excess acreage which has been identified and designated for harvest for sirup or livestock sugar must be made before such harvest by a county committee representative and the farm operator. The estimate must be signed by the operator and filed at the county office.

(c) Any operator who markets cane for livestock sugar or sirup from excess acreage must furnish weight tickets to the county committee evidencing that such cane was sold by him or processed by or for him for such purposes. Where excess acreage is identified by a county committee representative and an estimate made, as provided in paragraph (b) of this section, and the average tonnage of cane per acre grown on such excess acreage, as computed by dividing the total tonnage of cane marketed for livestock sugar or sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to paragraph (b) of this section, no payment shall be made until the operator furnishes acceptable proof to the county committee that the cane from all excess acreage on the farm was marketed or disposed of other than for seed or sugar production except for livestock sugar.

(d) For any crop, the operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of cane

grown on such acreage until receipt of the Sugar Act payment for such crop.

§ 896.23 Eminent domain.

The share established for a crop designated by year for a farm which was removed from cane production in its entirety or in part by acquisition within the 3 years immediately preceding the year designating such crop by an agency or entity entitled to exercise the right of eminent domain, shall, upon application by the owner of the land so removed to the appropriate ASCS State office, be added to the share established for such crop for any land owned by the owner in the same State to the extent requested in the application, but the acreage added shall not exceed the difference between the share established for the farm from which production was removed and the share established for the part of the farm not lost by the acquisition. Where application is not made as provided in this section for the entire share or part thereof established for the farm, the share or part thereof not applied for shall be reserved by the State committee for 3 years after the date of acquisition or until application is made by the owner of the land removed, whichever is earlier: *Provided*, That such reserved share or part thereof shall be subject to any adjustments required to be made in establishing shares for old-producer farms under the regulations applicable during the period the share is reserved. The acreage of such reserved shares not applied for may not be reallocated to other old-producer farms.

§ 896.24 Harvest of illegal drug-producing plants.

In accordance with Part 796 of this title, after August 10, 1971, a Sugar Act payment shall not be made to a farm if any producer with respect to such farm harvests or knowingly permits to be harvested for illegal use, Marihuana or other such prohibited drug-producing plants on any lands included in the farm. Such prohibited plants are specified in § 796.2 of this title.

Subpart C—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

§ 896.30 Farm normal yield.

The normal yield per acre of each sugarcane farm in the Texas Cane Sugar Area shall be established for the 1973 and subsequent crops as follows:

(a) For a farm on which there were planted acres in more than 2 of the next preceding 5 crop years, the normal yield shall be the simple average of all the annual yields for the farm for such crop years.

(b) For a farm on which there were planted acres in only 1 or 2 of the next preceding 5 crop years, the normal yield shall be the product derived by multiplying the county normal yield by the percentage obtained by dividing the simple average of the annual yields for the farm for such year or years by the simple average of the county yields for such year or years, except that the normal yield for such farm shall be not less than 80 percent nor more than 120 percent of the county normal yield.

(c) For a farm on which there were planted acres in none of the next preceding 5 crop years, the normal yield shall be 90 percent of the county normal yield.

§ 896.31 Eligibility for abandonment and crop deficiency payments.

For each crop, each farm having abandonment of planted sugarcane acreage, or having a crop deficiency of harvested sugarcane acreage below 80 percent of the normal yield for such acreage, or having both such abandonment and deficiency, shall be approved by the county committee for payments relating thereto if the following conditions with respect to the farm are met:

(a) The abandonment or deficiency was caused directly by drought, flood, storm, freeze, disease, or insects.

(b) The planted acres that were abandoned, or the harvested acres with respect to which there was such a crop deficiency, were suitable for the production of sugarcane and were cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane.

(c) There was compliance with all the other conditions for payment prescribed by the Act.

§ 896.32 Approval and certification.

Approval by a member of the county committee on behalf of such committee of an application for an abandonment payment or a crop deficiency payment, or both, shall constitute a determination that the farm with respect to which such application is made is eligible for an abandonment or a deficiency payment, or both, as the case may be.

Subpart D—Determination of Sugar Commercially Recoverable

§ 896.35 Sugar commercially recoverable from sugarcane in the Texas Cane Sugar Area.

The amount of sugar commercially recoverable from the sugarcane grown on a farm in the Texas Cane Sugar Area and marketed (or processed) for the extraction of sugar shall be the amount obtained by multiplying the number of net tons of such sugarcane by the average number of hundredweights of sugar, raw value, recovered per net ton of sugarcane at the mill where such sugarcane is ground. Such average number of hundredweights of sugar recovered per net ton of sugarcane shall be established by dividing the total number of hundredweights of sugar (raw value basis determined in accordance with the provisions of title I of the Sugar Act of 1948, as amended), produced at the mill where the sugarcane is ground by the total number of net tons of sugarcane ground during the applicable grinding season.

Statement of bases and considerations. Pursuant to sections 202(a)(4) and 302(c) of the Sugar Act of 1948 as amended, and as set forth in Part 859 (37 F.R. 9614) a new cane sugar producing area was established in Texas effective for the 1973 and subsequent crops.

To qualify for Sugar Act payments, sugarcane producers must comply with various general provisions and requirements of the Act, as implemented in determinations issued by the Secretary. In addition, they must file applications for payments, use approved forms, adhere to certain instructions and furnish information regarding eligibility for payment and the basis for payment and in connection with appeals for review thereof.

This notice of proposed rule making represents an issuance of these general provisions applicable to the Texas Cane Sugar Area. Also, some provisions applicable only when proportionate shares are in effect have been included since they relate to record keeping requirements. Heretofore, in other cane sugar producing areas, these proportionate share provisions have been issued without substantive change with each proportionate share regulation.

Provisions of the act relating to proportionate shares not included herein will be incorporated in the regulations pertaining to proportionate shares when it is determined by the Secretary that such shares are required.

Signed at Washington, D.C., on June 13, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-9274 Filed 6-19-72;8:50 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

[13 CFR Part 302]

DESIGNATION OF AREAS

Proposed Standards and Limitations

The Department of Commerce proposes to issue the attached revised regulations governing the designation of areas (Part 302, Title 13, Chapter III, Code of Federal Regulations). These proposed revisions concern Subpart A, Standards for Designation of Redevelopment Areas and Subpart C, Limitations on Designation of Areas.

The Department wishes to invite written comments, suggestions, or objections regarding these proposed amendments. Accordingly, interested persons are invited to submit written comments regarding the proposed amendments to Herbert S. Becker, Director, Office of Administration and Program Analysis, Economic Development Administration, 14th

Street between Constitution Avenue and E Street NW., Washington, D.C. 20230, within 30 days of publication of this notice in the FEDERAL REGISTER.

Part 302, Subpart A of Chapter III, Title 13, of the Code of Federal Regulations (31 F.R. 11294, Aug. 26, 1966, as amended at 35 F.R. 13282, Aug. 20, 1970) is amended to provide modifications in the designation criteria under the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136; U.S.C. 3121).

Section 302.2, paragraph (b) is revised; paragraph (e) and (f) are deleted; and new paragraphs (e) and (f) are added. As amended, § 302.2 reads as follows:

§ 302.2 Additional standards for designation.

* * * * *

(b) Those additional areas which have an annual family income of not in excess of 50 percent of the national median as determined by the most recent available decennial census;

* * * * *

(e) Pursuant to section 401(a)(6) of the Act, those communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which have any one of the following conditions:

(1) A large concentration of low-income persons;

(2) Rural areas having substantial outmigration;

(3) Substantial unemployment; or

(4) An actual or threatened abrupt rise in unemployment due to the closing or curtailment of a major source of employment.

(f) Those additional areas which have suffered a significant decline in per capita employment. Such additional areas shall be defined as those having a decline in per capita employment of more than 1.2 percentage points between 1960 and 1970, and which also have net outmigration during the same period, as determined by the 1970 census.

* * * * *

Part 302, Subpart C of Chapter III, Title 13 of the Code of Federal Regulations (31 F.R. 11294, Aug. 26, 1966, as amended at 31 F.R. 16674, Dec. 30, 1966; 35 F.R. 13282, Aug. 20, 1970) is revised to read as follows:

Subpart C—Limitations on Designation of Areas

§ 302.20 General.

The Assistant Secretary will determine the size and boundaries of the areas designated in accordance with §§ 302.1, 302.2, and 302.10, subject to the following limitations:

(a) Generally, no area will be designated until the Assistant Secretary has received a request for designation and has approved an Overall Economic Development Program (OEDP) for such areas except:

(1) Those areas qualified in accordance with § 302.2(d) may be designated subject to the receipt of an acceptable OEDP within 6 months following such conditional designation or within such period as the Assistant Secretary may grant for good cause; and

(2) Those areas qualified in accordance with § 302.2(e) shall not be required to file an Overall Economic Development Program.

(b) Any area, other than those areas eligible for designation pursuant to § 302.2(e) which does not submit an acceptable OEDP within 6 months after notification of its eligibility for designation shall not thereafter be designated prior to the next annual review of eligibility; however, such period may be extended for good cause;

(c) No area will be designated which does not have a population of at least 1,500 persons, except for areas designated in accordance with § 302.2 (c) and (e); and

(d) Except for areas designated in accordance with § 302.2 (c), (d), and (e) no area will be designated which is smaller than a "labor area" (as defined by the Secretary of Labor), a county, or a municipality with a population of over 250,000 persons, whichever the Assistant Secretary deems appropriate.

ROBERT A. PODESTA,
Assistant Secretary for Economic Development.

JUNE 15, 1972.

[FR Doc.72-9321 Filed 6-19-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-EA-65]

CONTROL ZONE & TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to alter the Richmond, Va., control zone (37 F.R. 2123) and transition area (37 F.R. 2273).

A review of the airspace requirements for the Richmond, Va., terminal area indicates a need to expand the control zone and transition area so as to offer adequate protection for aircraft executing approaches and departures to Richard E. Byrd International Airport, Richmond, Va.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Richmond, Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Regulations so as to delete the description of the Richmond, Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center 37°30'16" N., 77°19'11" W. of Richard Evelyn Byrd International Airport, Richmond, Va.; within 3.5 miles each side of the Richmond VORTAC 342° radial extending from the 5.5-mile-radius zone to 10 miles north of the VORTAC; within 3.5 miles each side of the Richmond VORTAC, 359° radial extending from the 5.5-mile-radius zone to 10 miles north of the VORTAC; within 3 miles each side of the Richmond VORTAC 065° radial extending from the 5.5-mile-radius zone to 8.5 miles northeast of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 134° radial extending from the 5.5-mile-radius zone to 10 miles southeast of the VORTAC; and within 2 miles each side of the Richmond VORTAC 137° radial extending from the 5.5-mile-radius zone to 10 miles southeast of the VORTAC.

2. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Richmond, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 37°30'16" N., 77°19'11" W. of Richard Evelyn Byrd International Airport, Richmond, Va.; within 3.5 miles each side of the Richmond VORTAC 134° radial, extending from the 9-mile-radius area to 11.5 miles southeast of the VORTAC; within 2 miles each side of the Richmond VORTAC 137° radial, extending from the 9-mile-radius area to 11.5 miles southeast of the VORTAC; within 3.5 miles each side of the Richard Evelyn Byrd International Airport ILS localizer southwest course, extending from the 9-mile-radius area to 11.5 miles southwest of the OM; within 3.5 miles each side of the Richmond VORTAC 342° radial, extending from the 9-mile-radius area to 11.5 miles north of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 359° radial, extending from the 9-mile-radius area to 11.5 miles north of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348)

and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 2, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-9198 Filed 6-19-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-69]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to alter the Aberdeen, Md., control zone (37 F.R. 2056) and Transition Area (37 F.R. 2143).

A review of the airspace requirements for Aberdeen, Md., indicate a need to expand the control zone and transition area to give improved controlled airspace protection to aircraft executing IFR arrivals and departures for Phillips Army Airfield.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Aberdeen, Md., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Regulations so as to delete the description of the Aberdeen, Md., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center 39°28'00" N., 76°10'00" W. of Phillips AAF; within 3 miles each side of the 029° bearing from the Aberdeen RBN, extending from the 5-mile-radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0600 to 2200 hours, local time, Monday through Friday, excluding Federal legal holidays.

2. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Aberdeen, Md. 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°28'00" N., 76°10'00" W. of Phillips AAF; within a 9.5-mile radius of the center of the airport, extending clockwise from a 260° bearing to a 010° bearing from the airport and within 3.5 miles each side of the 029° bearing from the Aberdeen RBN, extending from the RBN to 11.5 miles northeast of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 2, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-9199 Filed 6-19-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-71]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of the Federal Aviation Regulations so as to alter the Lawrenceville, Va., transition area (37 F.R. 2227).

A review of the airspace requirements for the subject terminal area indicates a need to expand slightly the radius of the circle about Lawrenceville Airport so as to improve the airspace protection for aircraft executing IFR approaches and departures for the airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lawrenceville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Lawrenceville, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 36°46'20" N., 77°47'45" W. of Lawrenceville Municipal Airport, Lawrenceville, Va., and within 1.5 miles each side of the Lawrenceville VORTAC 117° radial, extending from the 5.5-mile-radius area to the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 6, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-9200 Filed 6-19-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-72]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending § 71.171 of the Federal Aviation Regulations so as to designate a Fort Meade, Md., control zone for Tipton Army Airfield, Fort Meade, Md.

The control zone will be part-time and is required to give protection to aircraft executing arrival and departure IFR procedures to the airfield.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at

the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Fort Meade, Md., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 Federal Aviation Regulations by adding a Fort Meade, Md., control zone as follows:

FORT MEADE, MD.

Within a 5-mile radius of the center 39°05'04" N., 76°45'37" W. of Tipton AAF, Fort Meade, Md., and within 3 miles each side of a line bearing 091° from the Fort Meade RBN (lat. 39°05'04" N., 76°45'37" W.) extending from the 5-mile-radius zone to 8 miles east of the RBN excluding that airspace that coincides with the Baltimore, Md., control zone and a 1-mile radius centered on Beltsville, Md. (USDA), Airport (39°01'27" N., 76°49'21" W.). This control zone shall be in effect from 0700 to 2200 hours, local time Monday through Friday and 0800 to 1600 hours, local time Saturdays, Sundays, and Federal holidays.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 8, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-9201 Filed 6-19-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-59]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of the Federal Aviation Regulations so as to alter the Petersburg, Va., 700-foot floor transition area (37 F.R. 2262).

A further review of the terminal airspace requires that the southwest extension from the RBN be broadened from 4.5 miles either side of the 226° bearing to 5 miles. This change permits acceptable protection to aircraft executing IFR approaches and departures for Petersburg Municipal Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Petersburg, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Petersburg, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°11'00" N., 77°31'00" W. of Petersburg Municipal Airport, Petersburg, Va., and within 5 miles each side of the 226° bearing from the Petersburg RBN 37°07'48" N., 77°34'30" W., extending from the 8-mile-radius area to 11.5 miles southwest of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 2, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-9197 Filed 6-19-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-60]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Cleveland, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, 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 amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Cleveland transition area described in § 71.181 (37 F.R. 2143) would be amended as follows: "* * * long. 90°45'15" W.) * * *" would be deleted and "* * * long. 90°45'15" W.); within 3 miles each side of the 355° bearing from Renova RBN (lat. 33°48'25" N., long. 90°45'45" W.), extending from the 6.5-mile-radius area to 8.5 miles north of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 17 Instrument Approach Procedure to Cleveland Municipal Airport.

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

Issued in East Point, Ga., on June 9, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-9202 Filed 6-19-72;8:46 am]

COMPTROLLER GENERAL

[11 CFR Part 4]

COMMUNICATIONS MEDIA SPENDING LIMITATIONS

Agents' Commissions

Notice is hereby given that, under the authority of section 105 of the Federal Election Campaign Act of 1971 to prescribe regulations as necessary or appropriate to carry out section 104(a) of the Act, the Comptroller General has determined in the exercise of his discretion to issue a regulation on the subject of including agents' commissions, incurred by or on behalf of candidates for Federal elective office in connection with their use of the communications media, as a part of the amounts allowed to be spent for such use under the campaign spending limits set forth in title I of the Act.

The purpose of the proposed regulation is to allow all interested parties to submit comments on the proposal because of its importance to all Federal candidates, their campaign committees, and their advertising agencies.

Interested persons may participate through submission of four (4) copies of written data, comments, or arguments pertaining to the proposed regulation, on or before July 6, 1972, addressed to

the Office of Federal Elections, U.S. General Accounting Office, 441 G Street NW., Washington, DC 20548.

Because of the need to issue a final regulation as soon as possible, no extensions of time to file comments are contemplated. The comments received in response to this notice will be available for examination in the public records room (room 6510) of the Office of Federal Elections at the above address.

All relevant and timely comments will be considered by the Comptroller General before final action is taken on the proposed regulation. In reaching his decision, the Comptroller General may also take into account other relevant information before him, in addition to the specific comments received pursuant to this notice.

EXPLANATORY STATEMENT

1. Section 104(a)(7) of the Federal Election Campaign Act of 1971 reads as follows:

For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) Spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media.

(B) * * *

2. The quoted provision originated in House bill, H.R. 8628, as reported by the House Commerce Committee (H. Rept. 92-565), and was approved when the House adopted H.R. 8628 as part of its amendment to the Senate bill, S. 382, which had no comparable provision. The conference committee, without explanation, adopted this provision of the House amendment (Conference Report on S. 382, H. Rept. 92-752, p. 26). The floor debates contain no mention of this section.

3. The regulation proposed herein is based upon the assumption that the Congress intended to limit campaign expenditures for use of the communications media to the amounts stated in section 104(a) of the Act and intended to include advertising agency commissions, or their equivalent, as part of the expenditures to be so limited. We believe the Congress also intended an equitable result—equitable as among candidates, advertising agencies, and media. There appears no basis for distinguishing among different billing practices for media usage (e.g., "gross" or "net" rates) so far as the intent of Congress is concerned.

4. The trade practice with respect to advertising agencies' commissions is uniformly stated to be fifteen (15) percent of the gross amount, with variations in some instances. However, some commercial advertisers and some candidates are reported to be paying their agents on a fee basis rather than a commission basis. Others may have paid agents as members of their staff. It is our opinion that Congress intended to include agents' commissions within the spending limitations, whether paid in the traditional manner as commissions, or paid as a fee, or paid as salary.

5. The proposed regulation is based on the premise that the customary 15 percent commission is to be charged to the spending limitation for each use of the communications media. This applies whether such charge is billed as "gross" or "net". If the charge is gross, the 15 percent commission is included therein. If the charge is net, then 17.65 percent of such charge must be added to the charge to arrive at the same result. However, we believe that Congress did not intend to charge to a candidate's limitation any more than he actually pays for agents' services. Therefore, if a candidate has an arrangement other than commissions for paying his agent, he will be required to charge against his limitation only the lesser amount actually paid to the agent, effective upon his submission to the appropriate supervisory officer of a brief statement describing the alternative arrangement used. The candidate remains responsible for keeping track of his spending for the media and for allocating agents' commissions or their equivalent to each election campaign.

It is hereby proposed that Part 4, Chapter I, Title II of the Code of Federal Regulations be amended by adding a new § 4.8 to Subpart A thereof to read as follows:

§ 4.8 Agents' commissions.

(a) As a general rule, the applicable charge to the candidate's spending limitation under section 104(a) of the Act for the use of communications media shall include the amount paid to the media and, in addition, 15 percent of the gross amount (or 17.65 percent added to the charges of the media), which is the normal advertising agency commission. This rule applies whether the media charge is denominated "gross" or "net."

(b) However, if the candidate or political committee is able to show that advertising agency services are being obtained on a reduced commission basis, or a fee, salary, or volunteer basis, only the lesser amount actually paid by the candidate or committee for agency commissions or their equivalent, shall be included in determining the total charge against the candidate's spending limitation. This alternative basis of charging shall become effective upon submission to the appropriate Supervisory Officer of a brief description of the services being obtained, the basis on which charges are made, and the anticipated total charges for each election.

(c) Full responsibility rests with the candidate for maintaining books and records which accurately reflect, on a current basis, the total costs of obtaining media use through advertising agencies or otherwise and for allocating these costs to the applicable limitation. A flat fee covering primary campaigns as well as a general election period shall be apportioned to each election limitation—primary, run-off, or general—on a reasonable basis. A fee arrangement which is based on the dollar volume of media use purchased shall be expressed as a percentage and applied uniformly. If a separate fee, a reduced commission, or other cost basis is established for different election periods, the cost of each applies to the corresponding limitation. The candidate's records must, for audit purposes, accurately reflect the basis of the allocation, as well as the amounts allocated.

(d) For a particular transaction, the certification to the media required by section 104(b) of the Act and § 4.11 shall be based upon the amount of the media charge. However, the person making the certification must take into account the agents' commissions, fees, or other costs which are required to be charged against the applicable limitation for each election.

(e) The amount of any commissions or fees paid or allowed to sales representatives by the media are not to be deducted in determining the amount to be charged against the candidate's spending limitation. See the ruling of the Federal Communications Commission (Report No. 10608, April 19, 1972) that commissions to sales representatives are not to be deducted in determining the lowest unit charge for political broadcasts.

(f) If there is a cash discount for prompt payment of the media charge, only the net amount paid shall be charged against the spending limitation. However, if the cash discount is not earned because of a failure to make prompt payment, then the full amount paid must be charged to the limitation.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.72-9260 Filed 6-19-72;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Compliance Schedules, Revisions, and Public Hearings

On August 14, 1971 (36 F.R. 15486), the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420 regulations for the preparation, adoption, and submittal of State implementation plans under section 110 of the Clean Air Act, as amended. Those regulations were republished November 25, 1971 (36 F.R. 22369), as 40 CFR Part 51.

The amendments to 40 CFR Part 51 proposed herein are designed to provide a clearer explanation of the requirements relative to compliance schedules, revisions to compliance schedules, and the requirements for public hearings. These changes are designed to accomplish the following:

(1) To make clear that opportunity for public hearing must be given on all compliance schedules submitted as part

of the plan, either pursuant to § 51.15(a)(2) or as a revision. The proposed regulations define the minimum requirements for satisfying the opportunity for a public hearing. The opportunity for a hearing may be afforded either at a special State agency meeting or at a regular meeting, providing that the notice requirements are satisfied;

(2) To provide that a State or local enforcement order against a source shall not be considered to supersede requirements in the State implementation plan unless such order is submitted as a revision after an opportunity for a public hearing, and is approved by the Administrator. Unless the implementation plan is duly revised, the original requirements of the implementation plan shall continue to be the "applicable implementation plan" as defined in section 110 of the Act;

(3) To make clear that all sources covered by the control strategy of a State implementation plan must be subject to a compliance schedule as part of the initial plan submission which specifies a date certain for final compliance with applicable plan requirements. The provision for submission of individually negotiated compliance schedules (§ 51.15(a)(2)) is intended to provide that increments of progress can be omitted from the initial plan submission. The plan as initially submitted must include the final compliance date.

(4) To clarify when increments of progress are required for a compliance schedule and to define "increments of progress."

(5) To delete § 51.15(d), which is superfluous and has created some misunderstandings. The intent of § 51.15(d), to prevent any variance which interfered with attainment or maintenance of a national standard, is fully implemented by §§ 51.6, 51.8, and 51.15(b).

In structuring the proposed regulations concerning compliance schedules, an attempt has been made to balance the legitimate right of the public to be heard on any modification to the implementation plan against concerns of State agencies that unduly elaborate public hearing requirements would effectively limit the resources available for enforcement. This need for balance is paticularly true relative to State enforcement orders. The approach taken in the proposed regulations recognizes this concern but insures that such orders cannot be used as a means of revising a plan without providing the requisite opportunity for a public hearing.

Interested persons may participate in this rule making by submitting written comments in triplicate to the Division of Stationary Source Enforcement, Environmental Protection Agency, Room 17–70, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852. All relevant comments received not later than 30 days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. The changes proposed by this notice, with appropriate modifications, will be effective upon republication in the FEDERAL REGISTER. This notice of proposed rule making is issued under the authority of section 301(a) of the Clean Air Act (42 U.S.C. 1857(a)), as amended by section 15(c)(2) of Public Law 91–604, 42 Stat. 1713.

Dated: June 15, 1972.

ROBERT W. FRI,
Acting Administrator.

Part 51 of Title 40, Code of Federal Regulations, is proposed to be amended as follows:

1. In § 51.1, new paragraphs (p) and (q) are added as follows:

§ 51.1 Definitions.

* * * * *

(p) "Compliance schedule" means the date or dates by which a source or category of sources is required to comply with specific emission limitations contained in an implementation plan and with any increments of progress toward such compliance.

(q) "Increments of progress" means specific milestones which will be taken toward compliance, such as:

(1) Letting of necessary contracts for construction or process changes;

(2) Initiation of construction;

(3) Completion and startup of control system;

(4) Initial performance test.

2. Section 51.4 is revised to read as follows:

§ 51.4 Public hearings.

(a) The State shall, prior to the adoption of any plan or any revision thereof required by § 51.6(a), and after reasonable notice, conduct one or more public hearings on each plan or revision thereof. Separate hearings may be held for plans to implement primary and secondary standards.

(b) For purposes of paragraph (a) of this section, "reasonable notice" shall be considered to include, at least 30 days prior to the date of such hearing(s):

(1) Notice given to the public by prominent advertisement announcing the date(s), time(s), and place(s) of such hearing(s) and the availability of the principal portions of the proposed plan or revision for public inspection in at least one location in each region to which the plan or revision will apply.

(2) Notification to the Administrator (through the appropriate regional office).

(3) Notification to any local air pollution control agencies in each region to which the plan or revision will apply.

(4) In the case of an interstate region, notification to any other States included, in whole or in part, in the region.

(c) The State shall, prior to the adoption as part of the implementation plan of any individually negotiated compliance schedule pursuant to § 51.15(a) or any revision pursuant to § 51.6(d), provide an opportunity for a public hearing on such schedule or revision.

(d) For purposes of paragraph (c) of this section, "opportunity for a public hearing" shall include, as a minimum:

(1) Notice given to the public by prominent advertisement that such schedule (or group of schedules) or revision identified in the notice is proposed to be adopted as part of the implementation plan and that, upon request of any person, a hearing will be held at a date, time, and place stated in the notice or to be announced later by prominent advertisement. The notice shall provide for a minimum of 10 days during which a hearing may be requested and that any hearing requested will be held not earlier than 20 days from the announcement of the date, time, and place of the hearing. The notice shall indicate the availability of the schedule or revision for public inspection as required by subparagraph (2) of this paragraph.

(2) Availability of the principal portions of each revision for public inspection in at least one location in each region to which it will apply, and the availability of each compliance schedule for public inspection in at least one location in the region in which the source to which such schedule is applicable is located.

(3) Notification to the Administrator (through the appropriate regional office).

(4) Notification to any local air pollution control agencies in each region to which the schedule or revision will apply.

(5) In the case of an interstate region, notification to any other States included, in whole or in part, in the region.

(e) The State shall prepare and retain, for submission to the Administrator upon his request, a record of each hearing. The record shall contain, as a minimum, a list of witnesses together with the text of each presentation.

(f) (1) The State shall submit with the plan or any revision required by § 51.6(a):

(i) A copy of any advertisement published, broadcast, or otherwise issued pursuant to this section and

(ii) A certification that the hearing required by paragraph (a) of this section was held in accordance with the notice required by paragraph (b) of this section.

(2) The State shall submit with any schedule submitted in accordance with § 51.15(a)(2) or any revision submitted in accordance with § 51.6(d):

(i) A copy of any advertisement published, broadcast, or otherwise issued pursuant to this section and

(ii) A certification that an opportunity for a hearing was afforded in accordance with paragraphs (c) and (d) of this section and that such hearing was held in accordance with the notice required by paragraph (d) of this section or that no such hearing was requested.

3. In § 51.6, paragraphs (c), (d), and (e) are revised and new paragraphs (f) and (g) are added. As amended, § 51.6 reads as follows:

§ 51.6 Revisions.

* * * * *

(c) The plan may be revised from time to time consistent with the requirements applicable to implementation plans under this part.

(d) Any revision of any regulation or any compliance schedule pursuant to paragraph (c) of this section shall be submitted to the Administrator within 60 days of its adoption.

(e) Revisions other than those covered by paragraphs (b) and (d) of this section shall be identified and described in the next semiannual report required by § 51.7.

(f) Any revision shall be submitted only after the hearing requirements of § 51.4 have been satisfied.

(g) State or local enforcement orders shall not be considered as revisions to the State implementation plan subject to the requirements of this section, or shall not otherwise be considered to supersede requirements contained in the State implementation plan, unless such orders are submitted pursuant to § 51.6 and approved pursuant to § 51.8. Enforcement orders not submitted as a revision must be described in the next semiannual report required by § 51.7.

4. Section 51.15 is revised to read as follows:

§ 51.15 Compliance schedules.

(a) (1) Each plan shall contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources or categories of such sources must be in compliance with any applicable requirements of the plan. Except as otherwise provided in subparagraph (2) of this paragraph, these schedules must contain the increments of progress required by paragraph (c) of this section.

(2) A plan may provide that the increments of progress required by paragraph (c) of this section will be negotiated with the owner or operator of an individual source or otherwise formulated following submittal of the plan. The compliance schedules containing the increments of progress shall be submitted to the Administrator within 60 days following the date such schedule is adopted but in no case later than the prescribed date for submittal of the first semiannual report required by § 51.7.

(b) (1) Any compliance schedule designed to provide for attainment of a primary standard shall provide for compliance with the applicable plan requirements as expeditiously as practicable and in no case, except as provided by Subpart C of this part, later than the date specified for attainment of such primary standard pursuant to § 51.10(b).

(2) Any compliance schedule designed to provide for attainment of a secondary standard shall provide for compliance with the applicable plan requirements in a reasonable time and in no case, except as provided by Subpart C of this part, later than the date specified for the attainment of such secondary standard pursuant to § 51.10(c).

(c) Any compliance schedule or revision thereof extending over a period of more than 1 year from the date of its adoption by the State agency and requiring compliance 18 or more months from the date of approval or promulgation of the applicable control strategy by the Administrator shall provide for legally enforceable increments of progress toward compliance by any affected source or category of sources. Such increments of progress shall be sufficiently detailed to permit close and effective supervision of progress by the source toward timely compliance.

4. In § 51.32, paragraph (f) is revised to read as follows:

§ 51.32 Request for 1-year postponement.

* * * * *

(f) A State's determination to defer the applicability of any portion(s) of the control strategy with respect to such source(s) will not necessitate a request for postponement under this section unless such deferral will prevent attainment or maintenance of a national standard within the time specified in such plan: *Provided, however,* That any such determination, except to the extent that it is included in a State or local enforcement order, will be deemed a revision of an applicable plan under § 51.6.

[FR Doc.72-9301 Filed 6-19-72;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18979; FCC 72-504]

TELEVISION BROADCAST STATIONS IN KERRVILLE-FREDERICKSBURG, TEX.

Table of Assignments; Report and Order Terminating Proceeding

In the matter of amendment of § 73.606(b), *Table of Assignments,* Television Broadcast Stations, Kerrville-Fredericksburg, Tex., RM-1387, Docket No. 18979.

1. On August 26, 1970, the Commission adopted a notice of proposed rule making in this proceeding (FCC 70-927) in response to a petition filed by United-Tecon, a joint venture, on December 31, 1968. The petition requested, and the notice proposed, the assignment of Channel 2 to Kerrville-Fredericksburg, Tex., as a hyphenated assignment. No other revisions in our television table of assignments were suggested.

2. Interested parties were afforded an opportunity after numerous extensions of time to file final comments on or before November 10, 1970, and to reply to such comments on or before February 9, 1971. Timely comments and/or reply comments were filed by: Southwest Republic Corp., licensee of Channel 42, KHFI-TV, Austin, Tex. (Southwest); Channel Twenty-Four Corp., licensee of Channel 24, KVUE (formerly KVET-TV), Austin, Tex. (Twenty-Four, Inc.); and petitioner, United-Tecon, a joint venture (U-T). On March 31, 1971, Southwest filed a petition for leave to file supplemental comments and said supplemental comments. No oppositions were filed to the proposed late filing of Southwest. In view of that fact, the somewhat unique problem presented by this case, and our desire to have all possible pertinent material before us during consideration, we are granting Southwest's petition for late filing.

NEED OF KERVILLE-FREDERICKSBURG AREA FOR LOCAL TELEVISION SERVICE

3. Fredericksburg is the county seat of Gillespie County, respective populations, 5,326 and 10,553. The community lies approximately 68 miles west of Austin and 63 miles north northwest of San Antonio. Kerrville, population 12,672, is the county seat of Kerr County, population 19,454. Its location is approximately 23 miles southwest of Fredericksburg. Both Kerrville and Fredericksburg are located in the so-called "Hill Country" of Texas. Neither community has any television assignment at the present time.[1]

4. Petitioner, in advancing its proposal, states that a Channel 2 assignment at Kerrville-Fredericksburg would bring a Grade B service to 10,861 square miles which contains 66,681 residents and a Grade A signal to 2,730 square miles in which there are 28,663 persons. U-T lists the following tabulation to indicate the size and population of unserved areas or areas receiving but one service to be reached by the Grade B signal of the proposed Channel 2:

Description	Population	Area (square miles)
Grade B unserved area	21,739	6,453
Percent of total	32.6	59.2
Grade B underserved area	6,556	630
Percent of total	9.8	5.8

The below set out tabulation is presented by petitioner to indicate the size and population of unserved areas or areas receiving but one service to be reached by the Grade A signal of the proposed channel:

Description	Population	Area (square miles)
Grade A unserved area	28,051	2,617
Percent of total	97.9	95.9
Grade A underserved area	612	113
Percent of total	1.1	4.1

From these figures petitioner vigorously urges that its proposal is clearly in the public interest not only because it is bringing a new service to the Kerrville-Fredericksburg area but because, indeed, much of the proposed service will be to presently unserved or underserved populations.

5. The hill country of Texas (west of Austin) contains the two communities, Kerrville and Fredericksburg. In respect to Kerrville and the surrounding hill country petitioner states:

[1] All population statistics cited refer to the 1970 U.S. census or are extrapolations, from available material, to that census, unless specific identification is given to the contrary.

* * * It is the center of a verdant area with a thriving ranching, agricultural, and recreational economy. The ranching is somewhat unique in that the area raises more sheep and goats than cattle * * *.

The balance of the agricultural activity in the area is, for the most part, represented by dairying and poultry farming and the growing of grains * * * more than 30 boys' and girls' summer camps, accommodating more than 25,000 youngsters, are located in Kerr County alone * * *. Some of the best hunting and fishing in the country is claimed for Kerr County; and many persons from all parts of Texas and other States maintain vacation homes there * * *. Kerrville is the shopping center for five counties. It has 320 retail establishments with annual sales in excess of $26 million. It also has an aircraft manufacturing plant which employes [sic] over 900 persons, with an annual payroll of more than $4 million.

U–T concludes its description of the hill country surrounding Kerrville and Kerrville itself by indicating that the community has two banks with total deposits of over $29 million, and a Federal Savings and Loan Association with assets of $14 million. In describing Fredericksburg, petitioner mainly cites facts concerning activity in its county—Gillespie. Being in the hill country, much of the county's activity is similar to that described above for the area surrounding Kerrville. In addition, industrialization has also commenced and the county supports industrial lumber yards, machine shops, and other enterprises employing approximately 1,500 people. Retail sales in the county, it is asserted, amount to approximately $15 million annually. From the activity—social, political, and economic—occurring in Kerrville and Fredericksburg, petitioner concludes that it is in the public interest to bring these two communities a first local television service.

6. Southwest and Twenty-Four, Inc., conclude that the above-described area does not need and cannot support a first local television service. Southwest points out that Kerrville and Fredericksburg each have local radio service, that there are four newspapers serving the two communities, that CATV systems exist in each community, and that the area to be served by the proposed Channel 2 receives television service, in part, from translators of other stations. Twenty-Four, Inc., cites a variety of statistics concerning the size of the population to be served by the proposed station—television homes, etc.—and the lack of economic activity in the area from which it extrapolates that there would only be $113,000 available for the operation of the proposed Channel 2, annually.

7. The Commission has recognized, in the allocation of a television frequency, that a first television service to the area is the highest priority and local television service is the second highest priority according to the proceedings in Dockets Nos. 8736 et al. which set up the nationwide Television Table of Assignments and was concluded by the Sixth Report and Order, 1 R.R. (volume 3) 91: 601 at 91: 620 (1952). We agree that the unserved and underserved areas in the proposed service area clearly support the need for television service in the area and that existing radio, translator and cable service is not a substitute for off-the-air television service. The Kerrville-Fredericksburg area, due to its semirural nature, has interests, needs, and desires somewhat different from those of other areas, such as the city of Austin, which cannot be met through translator service from stations located in urbanized areas or as effectively by other means of communication.

8. In examining the ability of the proposed service area to support a local television station we have come to the conclusion, from all of the facts presented, including those set out in paragraphs 3 through 5 above, that although the operation may well be marginal economically for a period of time, the proposed station will be authorized only to a financially qualified applicant under the Commission's existing policies. It is our judgment that the number of television homes in the proposed service area will in all probability rise, particularly in that portion of the area now without any television service, after establishment of an off-the-air television service. The final judgment, however, in respect to the economic viability of the proposal does not lie with us. Such a decision is a business judgment which must be made by the prospective applicants for the channel. Petitioner, with all of the contentions set out in this pleading before it, has affirmed its intention to apply for the channel.

9. In concluding our discussion of the need of the Kerrville-Fredericksburg area for local television service we wish to emphasize that the presentations made in this proceeding clearly indicate that the two communities (separated by only 23 miles) are similar enough in economic activity and culture to warrant a hyphenated assignment [2]—an assignment that we judge, from the facts presented, to be needed, particularly by the significant population to be reached by a first television signal. See paragraph 4, above.

10. Based on all the pleadings and on all existing Commission policies and precedents, we find that there has been a sufficient showing to warrant the assignment of a television frequency to Kerrville-Fredericksburg, Tex. The next question we face is the technical feasibility of the directional proposal submitted by United-Tecon.

Technical Feasibility of Proposal

11. Section 73.685(e) of the rules, waiver of which has been requested, provides a maximum permissible ratio of maximum to minimum radiation, for television directional antennas, of 10 decibles whereas petitioner here is proposing an antenna providing a 60 dB ratio to prevent an impact on operating UHF stations in Austin and San Antonio, Tex. However, we are not here in a position to evaluate with specificity such a proposal until it is before us in an application for the facility and we have no assurance that petitioner will be the successful applicant. Notwithstanding this, we can state that the greatest deviation thus far permitted by waiver of § 73.685(e) has been 39.4 dB for an especially designed and constructed antenna for Station WVPT, Staunton, Va. Waivers for more typical directional antennas proposing a 34 dB ratio were granted to Stations KKTV and KRDO, Colorado Springs, Colo.

12. While petitioner pleads that the directional antenna proposed is based upon measurements, it must be realized that such a procedure (i.e., the use of a test facility), while acceptable under ordinary conditions, cannot be relied upon in this instance where such a vast departure from our rule is involved. It appears to us that the only proof of the proposal would be its measurement under actual operating conditions. Since this cannot be done, we must conclude that the proposal is an unreasonable one and deny the requested waiver. Channel 2 will not be assigned to Kerrville-Fredericksburg, Tex. A question of Federal Aviation Agency clearance was raised by KHFI–TV. In view of our disposition of the matter, this question is moot.

13. Since the basic question involved in this proceeding is that of UHF impact, the problem can be resolved quite simply by the assignment of a UHF channel to Kerrville-Fredericksburg and this we would readily do upon petition since it has been established that a need exists and it can be done in conformance with all Commission rules and policies.

14. Since we have decided that the U–T proposal is not a feasible technical assignment, we need not rule on the question of UHF impact. However, we shall consider that question.

Possible Adverse Impact on UHF Stations

15. In light of this Commission's policy to protect and foster the development of UHF television, petitioner has formulated its proposal for Channel 2 at Kerrville-Fredericksburg in such a manner as to avoid adverse economic impact, through competition, on the UHF stations in Austin, Tex., and San Antonio, Tex.[3] U–T proposes a transmitter site approximately 60 miles west of

[2] Based on its engineering showing, the proposal of petitioner will put a city-grade signal into both communities simultaneously.

[3] San Antonio, Tex., has three VHF commerical channels, each of which is licensed: Channels 4, WOAI–TV; 5, KENS–TV; and 12, KSAT–TV. Only one of the two (29 and 41) UHF commerical assignments to the city is occupied—Channel 41, KWEX–TV, licensed to Spanish International Broadcasting Corp. It is a Spanish-language station. Apparently, it does not consider petitioner's proposed operation of Channel 2 as in any way affecting its service since it has not made a filing in this proceeding. In light of the existence of three VHF commercial services in San Antonio, the Spanish-language programing of KWEX–TV, and the judgment of KWEX–TV not to participate in this proceeding we will not discuss in detail any expected impact of the proposed Channel 2 on San Antonio. The city also has two educational assignments, Channel *9, KLRN and Channel *23, which has no application for its use.

Austin.[4] It maintains that a television station located on Channel 2 at the said site with an antenna height above ground of 1,700 feet, with maximum power (100 kw. E.R.P.), with a directional antenna beamed to the west having a 60 dB maximum to minimum ratio would serve the population described in paragraph 4 above without putting a Grade B signal closer to Austin[5] than 20 miles.

16. Its proposal, U–T affirms, would have only the penetration into the listed Austin and San Antonio UHF stations' total service area as set out in the following chart:

(1) KVUE (TV), CHANNEL 24, AUSTIN

Description	Population	Area (square miles)
(A) KVUE (TV) total Grade B	692,007	14,692
Proposed Grade B overlap	19,450	2,340
Percent of total Grade B	2.8	15.9
(B) KVUE (TV) total Grade A	466,043	8,545
Proposed Grade B overlap	5,124	1,110
Percent of total Grade A	1.02	13.0
Proposed Grade A overlap	50	6
Percent of total Grade A	0.1	0.1

(2) KHFI–TV, CHANNEL 42, AUSTIN

(A) KHFI-TV total Grade B	621,895	12,411
Proposed Grade B overlap	12,723	1,901
Percent of total Grade B	2.0	15.3
(B) KHFI-TV total Grade A	417,883	6,848
Proposed Grade B overlap	4,032	720
Percent of total Grade A	0.96	10.5

(3) KWEX–TV, CHANNEL 41, SAN ANTONIO

(A) KWEX-TV total Grade B	913,741	3,903
Proposed Grade B overlap	1,209	203
Percent of total Grade B	0.13	5.2

As can be seen from these statistics the overlap of service, assuming petitioner's proposal is not substantial.

17. The opponents ignore, in large part, the above actual proposal of petitioner and set out hypothetical proposed operations of their own: hypothetical operations which do not include the directional antenna proposed by petitioner, and hypothetical operations with the Channel 2 transmitter site moved from the proposed location to the east, near Austin. Their hypothetical situations indeed, show a highly competitive signal (Grade A) by the proposed operation on Channel 2, in the Austin market. U–T replies to this showing by emphasizing that it is purely hypothetical and not the proposal of petitioner. The opponents reasoning concerning the matter is that the Channel 2 operation will only be a marginal operation at best from an economic point of view since, as they see it, the proposed service area will not be able to support the Channel 2 operation. Giving this assumption the opponents reason that any licensee of Channel 2 at Kerrville-Fredericksburg would in time seek to serve the Austin market and that the economic pressure to so do would in time result in deviations from the above set out proposal of petitioner so as to result in a second VHF competitor in Austin.

18. We agree with the opponents that a second VHF service to Austin as hypothesized could do serious economic damage to the existing UHF commerical operations of Channel 42 (KHFI–TV), and Channel 24 (KVUE). Also, we believe that petitioner, if it is the successful applicant, will strive to operate the station as proposed herein. However, the economic factors and history of small market television stations indicate that, when possible, a losing or marginal operation looks to new areas for revenues. Such an economic factual pattern is indicated here. If the proposed operation is modified to serve Austin, there will be a significant impact on the financial operation and development of UHF stations in Austin and possibly other surrounding areas.

19. U–T contends that the channel should be assigned under the Mount Vernon[6] decision, the proceeding which assigned a VHF channel to Mount Vernon, Ill. In that case, we were faced with a minor overlap of contours, as well as a proposal that technically complied with all the rules. Here we are faced with a proposal that is highly directionalized and one that would easily cover Austin, Tex., if the operation became a omnidirectional operation. As we stated above, excellent service could be supplied to the area by a UHF station that conforms to all requirements. The Mount Vernon decision does not support a waiver of the policy under the circumstances in this case.

20. In view of the foregoing, we find that the request of United-Tecon, a joint venture, for the assignment of Channel 2 to Kerrville-Fredericksburg, Tex., must be denied.

21. Authority for the actions taken herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

22. *Accordingly, it is ordered,* That the petition for leave to file supplemental comments, filed in this proceeding by Southwest Republic Corp. on March 31, 1971, is granted.

23. *It is further ordered,* That the request for waiver of § 73.685(e) of the Commission's rules and regulations is denied.

24. *It is further ordered,* That request for rule making (RM–1387) for assignment of Channel 2 to Kerrville-Fredericksburg, Tex., is denied.

25. *It is further ordered,* That this proceeding (Docket No. 18979, RM–1387) is terminated.

Adopted: June 9, 1972.

Released: June 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-9178 Filed 6-19-72;8:45 am]

[4] The precise location used by petitioner for his exhibits has been discovered to be short-spaced to Channel 2, XEFF–TV, at Nuevo Laredo, Mexico, by 0.75 mile. Southwest also contends that the location is not appropriate because of FAA regulations. In response petitioner points out that if the precise location is unsuitable its proposal can still be carried out by moving the transmitter site west and north, away from Austin and San Antonio. For purposes of our consideration of the matter before us we consider petitioner's cited location as giving us an adequate indication of the expected operation on Channel 2.

[5] Austin has one VHF commercial channel, 7, KTBC–TV, licensed to Texas Broadcasting Corp. Out of the three commercial UHF channels assigned (24, 36, and 42), Channel 24 is now licensed to Channel Twenty-Four Corp., and Channel 42, KHFI–TV, is licensed to Southwest Republic Corp. There are no applications outstanding for Channel 36 or Channel *18, the educational assignment.

[6] In the matter of the amendment of § 73.606(b) of the Commission's rules and regulations to add a VHF television broadcast channel to Mount Vernon, Ill., 34 F.R. 18036, 17 R.R. 2d 1620 (1969); reconsideration denied, 22 FCC 2d 222 (1970).

[7] Chairman Burch abstaining from voting; Commissioner Bartley concurring in part and dissenting in part and issuing a statement, filed as part of the original document, in which Commissioner Johnson joins; Commissioners H. Rex Lee, Reid and Wiley concurring in the result.

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 201, 204, 205, 260]

[Docket No. R–445]

UNIFORM SYSTEMS OF ACCOUNTS

Notice of Proposed Rule Making

JUNE 14, 1972.

Pursuant to 5 U.S.C. 553, sections 301, 304, and 309 of the Federal Power Act (49 Stat. 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h) and sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it proposes to amend and revise effective for the reporting year 1972:

A. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. Certain accounts in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. Certain accounts in the Uniform System of Accounts for Class D Public Utilities and Licensees, prescribed by Part 105, Chapter I, Title 18, CFR.

D. Certain accounts in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

E. Certain accounts in the Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

F. Certain accounts in the Uniform System of Accounts for Class D Natural Gas Companies, prescribed by Part 205, Chapter I, Title 18, CFR.

G. Schedule page 419 of F.P.C. Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and

Class B), prescribed by § 141.1, Chapter I, Title 18, CFR.

H. Schedule page 531 of F.P.C. Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18, CFR.

Specifically, we are proposing to require all accounting for revenues, costs and expenses relating to Merchandising, Jobbing and Contract Work to be accounted for "below-the-line."

The basis for amending the accounting treatment on this item is that merchandising, jobbing and contract work as provided in the present systems of accounts is essentially nonoperating in nature. Therefore, provisions should not be allowed for the inclusion of related revenues, costs and expenses in arriving at utility operating income. Further, it appears inequitable to allow accounting "above-the-line" through operation and maintenance expense accounts 914, Revenues from Merchandising, Jobbing and Contract Work, and 915, Costs and Expenses of Merchandising, Jobbing, and Contract Work, while at the same time, accounting for the related interest income on contracted installment sales "below-the-line" in account 419, Interest and Dividend Income. This step will further the Commission's continuing objective of increasing uniform accounting in the Systems of Accounts.

The proposed amendments to the Commission's Uniform System of Accounts for Class A, B, C, and D Public Utilities and Licensees, and to FPC Form No. 1 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h).

The proposed amendments to the Commission's Uniform System of Accounts for Classes A, B, C, and D Natural Gas Companies, and to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830 (1938); 15 U.S.C. 717g, 717i, 717o).

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the text of Income Accounts, revise Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising, jobbing and contract work." As so revised, Note A will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

* * * * *

NOTE A: The classification of revenues, costs and expenses of merchandising, jobbing and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titles "914, Revenues from merchandising, jobbing, and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

5. SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

3. In the text of the Operation and Maintenance Expense Accounts, immediately following account "913, Advertising Expenses," revoke accounts "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the text will read:

Operation and Maintenance Expense Accounts

* * * * *

5. SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(B) The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Public Utilities and Licensees in Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the text of the Income Accounts, revise Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising, jobbing and contract work." As so revised, Note A will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

* * * * *

NOTE A: The classification of revenues, costs and expenses of merchandising, jobbing and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titled "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

5. SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

3. In the text of the Operation and Maintenance Expense Accounts, immediately following account "910, Sales Expenses," revoke accounts "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the text will read:

Operation and Maintenance Expense Accounts

* * * * *

5 SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

(C) The following are proposed amendments and revisions to the Uniform System of Accounts for Class D Public Utilities and Licensees in Part 105, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the text of the Income Accounts, revise Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising, jobbing and contract work." As so revised, Note A will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

* * * * *

NOTE A: The classification of revenues, costs, and expenses of merchandising, jobbing and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titles "592, Revenues from merchandising, jobbing and contract work," and "593, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

3. GENERAL EXPENSES

* * * * *

592 [Revoked]
593 [Revoked]

3. In the text of the Operation and Maintenance Expense Accounts, immediately following account "590, Uncollectible accounts" revoke accounts "592, Revenues from merchandising, jobbing and contract work," and "593, Costs and expenses of merchandising, jobbing and contract work." As so amended, the text will read:

Operation and Maintenance Expense Accounts

* * * * *

3. GENERAL EXPENSES

* * * * *

592 [Revoked]

593 [Revoked]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

(D) The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the text of the Income Accounts, revise Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising jobbing and contract work." As so revised, Note A will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

* * * * *

NOTE A: The classification of revenues, costs and expenses of merchandising, jobbing and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titles "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

6. SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

3. In the text of the Operation and Maintenance Expense Accounts, immediately following account "913, Advertising Expenses," revoke accounts "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the text will read:

Operation and Maintenance Expense Accounts

* * * * *

6. SALES EXPENSES

Operation

* * * * *

914 [Revoked]

915 [Revoked]

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

(E) The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the text of the Income Accounts, revise Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising, jobbing and contract work." As so revised, Note A will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

* * * * *

NOTE A: The classification of revenues, costs and expenses of merchandising, jobbing and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titles "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

9. SALES EXPENSES

Operation

* * * * *

914 [Revoked]

915 [Revoked]

* * * * *

3. In the text of the Operation and Maintenance Expense Accounts, immediately following account "910, Sales Expenses," revoke accounts "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the text will read:

Operation and Maintenance Expense Accounts

* * * * *

9. SALES EXPENSES

Operation

* * * * *

914 [Revoked]

915 [Revoked]

* * * * *

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

(F) The following are proposed amendments and revisions to the Uniform System of Accounts for Class D Natural Gas Companies in Part 205, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the text of the Income Accounts, revise Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising, jobbing and contract work." As so revised, Note A will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

* * * * *

NOTE A: The classification of revenues, costs and expenses of merchandising, jobbing and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titles "780, Revenues from merchandising, jobbing and contract work," and "781, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

5. GENERAL EXPENSE

* * * * *

780 [Revoked]
781 [Revoked]

3. In the text of the Operation and Maintenance Expense Accounts, immediately following account "778, Uncollectible accounts," revoke accounts "780, Revenues from merchandising, jobbing and contract work," and "781, Costs and expenses of merchandising, jobbing and contract work." As so amended, the text will read:

Operation and Maintenance Expense Accounts

* * * * *

5. GENERAL EXPENSE

* * * * *

780 [Revoked]

781 [Revoked]

(G) Effective for the reporting year 1972, it is proposed to amend schedule page 419, Electric Operation and Maintenance Expenses (Continued) of FPC Form No. 1, Annual Report for Electric Utilities and Licensees, and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[1]

(H) Effective for the reporting year 1972, it is proposed to amend schedule page 531, Gas Operation and Maintenance Expenses (Continued) of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B hereto.[1]

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than July 31, 1972, data, views, comments, or suggestions, in writing, concerning all or part of the amendments and revisions proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501-3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions and amendments. The staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9242 Filed 6-19-72;8:49 am]

[1] Attachments A and B filed as part of the original document.

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR CENTRAL AMERICAN BANK FOR ECONOMIC INTEGRATION

Information for Investors

The Agency for International Development (AID) has advised the Central American Bank for Economic Integration (the "Borrower") that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $11 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Proceeds of the loan will be used for the construction of houses in a model community in Costa Rica requiring a $6 million loan and construction of houses in a model community in El Salvador requiring a $5 million loan.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Carlos Perdono S., Director, Housing Finance Department, Banco Centroamericano de Integracion Economica, Tegucigalpa, D.C. Honduras, C.A., Reference: Model Communities, El Salvador and Costa Rica.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens, and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the 25th anniversary of the final disbursement of the principal amount thereof and the interest rate must be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 501, SA-16, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

STANLEY BARUCH,
Director, Office of Housing, Agency for International Development.

JUNE 13, 1972.

[FR Doc.72-9235 Filed 6-19-72;8:48 am]

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF ARGENTINA

Information for Investors

The Agency for International Development (AID) has advised the Banco Hipotecario Nacional (the "Borrower"), the principal housing finance agency of the Government of Argentina, that, upon execution by an eligible U.S. investor or investors (the "investor") acceptable to AID of an agreement to loan the Borrower an amount not to exceed $10 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act"). Proceeds of the loan will be used for housing projects in the Republic of Argentina.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Dr. Angel Caram, Financial Advisor, Embassy of the Republic of Argentina, 1600 New Hampshire Avenue NW., Washington, DC 20009.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the 25th anniversary of the final disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 501, SA-16, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

STANLEY BARUCH,
Director, Office of Housing, Agency for International Development.

JUNE 14, 1972.

[FR Doc.72-9234 Filed 6-19-72;8:48 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

CERTAIN FOOTWEAR FROM THE REPUBLIC OF KOREA

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 16.24(b) of the Customs regulations (19 CFR 16.24(b)) which raises a question as to whether certain payments, bestowals, rebates, or refunds granted by the Republic of Korea upon the manufacture, production, or exportation of footwear (except footwear having uppers of which over 50 percent of the exterior surface is leather) which is over 50 percent by weight of rubber of plastics. or over 50 percent by weight of fibers and rubber or plastics with at least 10 percent by weight being rubber or plastics, classifiable in item 700.51, 700.52, 700.53, 700.55, or 700.60, Tariff Schedules of the United States, constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates, or refunds apply.

The approximate amount of the payments, bestowals, rebates, or refunds applicable to footwear from the Republic of Korea covered by this notice has not been determined or estimated.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a

bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 16.24 of the Customs regulations (19 CFR 16.24).

Before a determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 16.24(d) of the Customs regulations (19 CFR 16.24(d)).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: June 15, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-9365 Filed 6-19-72;9:29 am]

ELECTRONIC CERAMIC PACKAGES AND PARTS THEREOF FROM JAPAN

Antidumping Proceeding Notice

On May 16, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that electronic ceramic packages and parts thereof from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: June 15, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-9366 Filed 6-19-72;9:30 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-61]

SMALL BUSINESS EXEMPTION MASTER EMPLOYMENT CONTRACTS ENTERED INTO AFTER MAY 3, 1972

Cost of Living Council Ruling

Facts. X owned a small textile business which averaged 60 or fewer nonunion employees during the four pay periods which included June 30, September 30, and December 31, 1971, and March 31, 1972. As a result of the promulgation of Economic Stabilization Regulation, § 101.51 (37 F.R. 8939) (1972), X is now exempt for purposes of both pay and price adjustments. In June, the Y textile workers union organized all the workers at X's plant and after a lengthy strike, X agreed to pay his workers the same wage and benefits being payed throughout the industry pursuant to a master contract negotiated previously with most of the industry covering 10,000 employees.

Issue. Does X now lose his exempt status since all his workers now are covered by a "Master Contract"?

Ruling. X retains his exempt status as to price adjustments, but he loses his exempt status with respect to the pay adjustments of his organized employees.

Section 101.51(a)(2)(iv) provides, "if the pay adjustments immediately preceding the effectve date of this regulation, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area group, or other similar basis and which covered more than 60 employees" the exemption shall not be applicable. X does not lose his exempt status since prior to the effective date of the regulation (May 2, 1972) his employees' pay adjustments were not set by a master or other jointly negotiated contract which covered more than 60 employees. As a result, the subsequent signing of a "master contract" does not defeat X's exempt status as to price adjustments.

However, pay adjustments to all of X's workers are not exempt. § 101.51(a)(2)(v) provides that the exemption shall not apply to "pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph (a) whose pay adjustments immediately preceding the effective date of this regulation were set or which are set at any time thereafter by a master employment or other employment contract * * * which covered more than 60 employees." Since all of X's employees are now members of a union which negotiated a master contract covering more than 60 employees, the pay adjustments of such employees are not exempt.

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

Dated: June 15, 1972.

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

Approved: June 15, 1972.

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

[FR Doc.72-9261 Filed 6-19-72;8:51 am]

[Price Commission Ruling 1972-189]

STATE PROPERTY TAXES—EFFECT OF DISCOUNT

Price Commission Ruling

Facts. State B's applicable property tax law provided that all taxes levied and charged on January 1, on the basis of the latest tax roll shall be paid in three equal installments, before or on February 15, May 15, and August 15. The law further provides that, "Interest shall be charged and collected on any taxes or installments thereof not so paid at the rate of two-thirds of 1 percent per month, or fraction of a month until paid." If any of the installments due after February 15 are paid on or before that date, a discount for early payment is given. State B has increased property taxes on the latest tax rolls and landlord L wishes to increase rents in accordance with Economic Stabilization Regulations, § 301.102(a), 37 F.R. 11233 (1972).

Issue 1. Does the fact that State B offers a discount for early payment of the property taxes change the date on which the first installment of the increase in taxes would otherwise be considered payable?

Issue 2. Does the availability or use of the early payment discount affect the amount of the increased taxes that can be used to increase rents?

Ruling—Issue 1. No; the fact that a discount is offered does not affect the date when the tax is considered payable. That date is the date the required payment of the first installment of the increase, if unpaid in whole or in part, becomes subject to imposition of interest or penalty. Price Commission Ruling 1972-75, 37 F.R. 4099 (1972).

Until the date interest or penalty is imposed it cannot be said that the tax is "payable." Until such date the taxpayer is under no immediate obligation to pay the increase in taxes. He is free from any legal sanction or adverse economic consequence for nonpayment until the date arrives. A taxpayer who chooses to pay the first installment of the increase when it is "charged" on January 1, or the whole amount of the tax before February 15 to take advantage of the discount, is not entitled to increase the monthly rent on the taxed residence before February 15. 6 CFR 301.102(c) (1972).

Issue 2. No; the amount of the increased taxes that can be used to increase rents is still determined under 6 CFR 301.102(b) (1972). In computing

the increase under § 301.102(b)(2) of the regulations, any taxes paid before the payable date are considered to have been paid on the payable date. The lessor is thus entitled to recover the full amount of the increase imposed on him by law.

The lessor is not benefited by this interpretation. He has given up the use of money before the payable date for a discount. This discount is to compensate him for interest he could have earned on the money had he waited and remitted on the payable date. The cost of the increase in taxes is thus the same to the lessor whether he uses the discount or not. He may pay early, take the discount and lose the interest he could have earned on the money. Or he may pay on the payable date and earn interest on that money from another borrower in the interim.

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

Dated: June 14, 1972.

LEE H. HENKEL, JR.,
Chief Counsel.

Approved: June 14, 1972.

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

[Fr Doc.72-9262 Filed 6-19-1972;8:51 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[Docket No. 72-4]

MORTON PHARMACEUTICALS, INC.

Notice of Hearing

Notice is hereby given that on April 21, 1972, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Morton Pharmaceuticals, Inc., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs should not deny the application for registration under the Controlled Substances Act of 1970, of the respondent, executed on February 28, 1972, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by Morton Pharmaceuticals, Inc., and written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on July 13, 1972, in room 812 of the Bureau of Narcotics and Dangerous Drugs, 1405 Eye Street NW., Washington, DC 20537.

Dated: June 14, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-9236 Filed 6-19-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CENTRAL CALIFORNIA AGENCY

Notice of Name Change

JUNE 12, 1972.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). The name of California Agency is changed to Central California Agency. The address remains Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.72-9222 Filed 6-19-72;8:47 am]

National Park Service

MAMMOTH CAVE NATIONAL PARK, KY.

Postponement of Public Hearings Regarding Suitability as Wilderness

There was published at page 8001 of the FEDERAL REGISTER of April 22, 1972 (37 F.R. 8001), a notice of public hearing regarding the suitability of lands within Mammoth Cave National Park, Ky., for designation as wilderness.

Notice is hereby given that the aforementioned notice of public hearing is canceled and that the public hearing regarding suitability of lands within Mammoth Cave National Park for designation as wilderness is hereby postponed.

A new notice of public hearing will be published in the FEDERAL REGISTER at a later date.

JOSEPH C. RUMBURG, Jr.,
Acting Director,
National Park Service.

[FR Doc.72-9284 Filed 6-19-72;8:51 am]

Office of the Secretary

[DES 72-67]

PROPOSED WARM SPRINGS NATIONAL FISH HATCHERY, WARM SPRINGS INDIAN RESERVATION, WASCO CO., OREG.

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of Interior has prepared a draft environmental statement for a proposed chinook salmon, steelhead trout, and rainbow trout production hatchery to be located on the Warm Springs Indian Reservation, Wasco County, Oreg., and invites written comments within 45 days of this notice.

The project will include the construction and operation of a large, modern hatchery to augment existing stocks of chinook salmon and steelhead trout in the Columbia River drainage system and to provide rainbow trout for expanded Federal stocking programs on the Warm Springs and Umatilla Indian Reservations. Waters affected will be lakes and streams on the Indian Reservations, Warm Springs, Deschutes, and Columbia Rivers, and the Pacific northwest coastal waters.

Copies of the statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, OR 97208.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

Dated: June 13, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary,
Program Policy.

[FR Doc.72-9224 Filed 6-19-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Forest Service

POVERTY CREEK UNIT PLAN

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental Statement for the Poverty Creek Unit Plan, USDA-FS-FES(Adm) 72-17.

The environmental statement concerns proposed management of Poverty Creek drainage, Blacksburg danger District, Jefferson National Forest in Montgomery County, Va.

This final environmental statement was filed with CEQ on June 8, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Southern Region, 1720 Peachtree Road NW., Atlanta, GA 30309.

Jefferson National Forest, Carlton Terrace Building, 920 Jefferson Street NW., Roanoke, VA 24016.

A limited number of single copies are available upon request to Mr. T. A. Schlapfer, Regional Forester, U.S. Forest Service, 1720 Peachtree Road NW., Atlanta, GA 30309.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. Please refer to the name and

number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

JUNE 15, 1972.

[FR Doc.72-9271 Filed 6-19-72;8:50 am]

UMPQUA NATIONAL FOREST 10-YEAR TIMBER MANAGEMENT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Umpqua National Forest 10-Year Timber Management Plan, Oregon, USDA-FS-DES(Adm) 72-39.

The environmental statement concerns the implementation of the 10-Year Timber Management Plan on the Umpqua National Forest in Oregon.

This draft environmental statement was filed with CEQ on June 6, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, OR 97208.

Umpqua National Forest, Federal Building, Roseburg, Oreg. 97470.

A limited number of single copies are available upon request to Mr. R. A. Resler, Regional Forester, U.S. Forest Service, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. R. A. Resler, Regional Forester, U.S. Forest Service, Post Office Box 3623, Portland, OR 97208. Comments must be received by July 20, 1972, in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

JUNE 15, 1972.

[FR Doc.72-9272 Filed 6-19-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 50168]

ANTIBIOTIC-STEROID PREPARATION CONTAINING POLYMYXIN B SULFATE, ZINC BACITRACIN, NEOMYCIN SULFATE AND HYDROCORTISONE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for topical or ophthalmic use:

Cortisporin Ointment, containing polymyxin B sulfate, zinc bacitracin, neomycin sulfate, and hydrocortisone; Burroughs Wellcome and Co. Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 50-168) and (NDA 50-146).

The Food and Drug Administration concludes that preparations containing polymyxin B sulfate, zinc bacitracin, neomycin sulfate, and hydrocortisone for topical or ophthalmic administration are possibly effective for their labeled indications.

Preparations containing these drugs are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act.

To allow applicants time to obtain and submit data to provide substantial evidence of the effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, batches of the drug which bear labeling with those indications will be accepted for release or certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12-(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drugs will not be eligible for release or certification.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 50168, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number, if known): Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9211 Filed 6-19-72;8:47 am]

[DESI 5064]

CERTAIN OTC ANTITUSSIVE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

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

The following OTC antitussive drugs are included in this announcement:

1. Nethacol (expectorant and bronchodilator) containing etafedrine hydrochloride, ipecac fluidextract, ammonium chloride and menthol; Merrell-National Drug Co., Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 5-064).

2. Histadyl E.C. Syrup containing codeine phosphate, ephedrine hydrochloride, methapyrilene fumarate, ammonium chloride, chloroform, and menthol; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6-340).

3. Synephricol Antihistaminic Cough Syrup containing codeine phosphate, phenylephrine hydrochloride, thenyldiamine hydrochloride, potassium guaiacolsulfonate, ammonium chloride, menthol and chloroform; Winthrop Laboratories, Division Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 7-018).

4. Bristalin Cough Syrup containing phenyltoloxamine citrate, ipecac fluidextract, ammonium chloride, sodium citrate and menthol; Bristol Laboratories, Inc., Division of Bristol-Myers Co., Thompson Road, Box 657, Syracuse, N.Y. 13201 (NDA 8-113).

5. Romilar Syrup, containing dextromethorphan hydrobromide; Sauter Laboratories Division, Hoffmann-La-Roche, Inc., Roche Park, 340 Kingsland Street, Nutley, N.J. 07110 (NDA 9-312).

6. Romilar Expectorant containing dextromethorphan hydrobromide and ammonium chloride; Sauter Laboratories (NDA 9-313).

7. Romilar Tablets, containing dextromethorphan hydrobromide; Sauter Laboratories (NDA 9-314).

8. Toclase Syrup (NDA 9-744) and,

9. Toclase Cough Tablets, each containing carbetapentane citrate, Pfizer Laboratories Division, Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 9-784).

10. T. H. & M. Cough Syrup containing dextromethorphan hydrobromide and terpin hydrate; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 10-579).

11. Orthoxicol Cough Syrup containing dextromethorphan hydrobromide, methoxyphenamine hydrochloride, and sodium citrate; The Upjohn Co. (NDA 6-550).

12. Romilar-CF Syrup containing dextromethorphan hydrobromide, phenylephrine hydrochloride, chlorpheniramine maleate, acetaminophen and chloroform; Sauter Laboratories, Inc. (NDA 11-165).

13. Romilar-CF Capsules containing dextromethorphan hydrobromide, phenylephrine hydrochloride, chlorpheniramine maleate and acetaminophen; Sauter Laboratories, Inc. (NDA 11-244).

14. Reflexor Cough Medicine (NDA 11-395) and;

15. Reflexol Cough Medicine (sugar-free formula), each containing carbetapentant citrate and menthol; Isodine Pharmacal Corp., Division of International Latex Corp., Dover, Del. 19901 (NDA 11-396).

16. Candettes Cough Syrup containing carbetapentane citrate, pyrilamine maleate, phenylephrine hydrochloride, ammonium chloride and menthol; Pfizer Laboratories, Division of Chas. Pfizer and Co., (NDA 11-561).

17. Flavihist Cough Syrup containing carbetapentane citrate, pyrilamine maleate, pheniramine maleate, ammonium chloride, ascorbic acid, sodium citrate, chloroform, and menthol; Boyle and Co., 6330 Chalet Drive, Los Angeles, Calif. 90022 (NDA 11-863).

18. Carbetapentane Citrate Tablets, Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 10106 (NDA 11-874).

19. Carbetapentane Citrate with S.P.C. Capsules containing carbetapentane citrate, salicylamide, phenacetin and caffeine; Nysco Laboratories, Inc. (NDA 11-922).

20. Isodette Cough Syrup containing carbetapentane citrate, phenylephrine hydrochloride, chlorpheniramine maleate, acetaminophen, and honey; Isodine Pharmacal Corp. (NDA 12-091).

21. Syr-Tane Cough and Cold Syrup containing carbetapentane citrate, pyrilamine maleate, phenylephrine hydrochloride, ammonium chloride and menthol; United States Pharmacal Co., Inc., Division Garden Pharmaceuticals, Inc., 2647 Grand Avenue, Bellmore, N.Y. 11710 (NDA 12-106).

22. Tussene Cough Syrup containing carbetapentane citrate, pyrilamine maleate, phenylephrine hydrochloride and ammonium chloride; L. Perrigo Co., 100 Brady Street, Allegan, Mich. 49010 (NDA 12-162).

23. Daldrin Elixir containing codeine phosphate, phenylpropanolamine hydrochloride, menthol, ipecac fluidextract, sodium citrate, and chloroform; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 1-497).

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group, Panel on Drugs Used in Respiratory Disturbances suggested the following statement regarding the treatment of cough to be used in package inserts (or other literature) of over-the-counter drugs.

Coughing accompanies many diseases, which vary in significance from a mild "common cold" to serious disorders of the heart or lungs. Some of these require prompt medical attention. Even a "common cold" in a person with one of several types of chronic heart or lung conditions (of which they may not be aware) can lead to serious manifestations. Self-administration of drugs that suppress cough in such persons, or in persons with a more serious underlying cause for coughing, may lessen the cough, but may also delay diagnosis and institution of corrective treatment by a physician.

If any of the following symptoms are present during illness associated with coughing, it is advisable to consult a physician:

Temperature over 100° F. or lasting for more than 3 days; chills; marked weakness; chest pain, shortness of breath, wheezing, or any other difficulty with breathing; thick, colored (brown, green, yellow) sputum; and bloody or blood-streaked sputum. Even if no other symptoms are present, a physician should be consulted if the cought persists for more than 10 days, or if it recurs. Infants, elderly persons, and those with known chronic illnesses should be under a physician's care for the treatment of cough.

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

1. "Nethacol liquid" containing etafedrine hydrochloride, ipecac fluidextract, ammonium chloride, and menthol.

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

Indication: A sugar-free expectorant and bronchodilator for the temporary relief of cough due to colds.

Evaluation: Possibly effective.

Comments: No clinical studies of this mixture seem to be available. Etafedrine is describe as similar in action to ephedrine, with less influence on the cardiovascular system. Thus, this mixture may provide bronchodilator action if enough etafedrine is given. The doses of ammonium chloride and ipecac are below the effective range.

In the opinion of the Panel, the use of a bronchodilator and "expectorants" in fixed combination is undesirable, because it does not permit adjustment of therapy related to the needs and responses of the patient.

General comments. The labeling does not provide adequate instructions regarding the use of this product.

2. "Histadyl E.C. Syrup" containing codeine phosphate, ephedrine hydrochloride, methapyrilene fumarate, ammonium chloride, chloroform, and menthol.

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

Indication: Relief of cough.

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed-dose combination).

Comments: No evidence has been presented to the Panel that this combination is more effective than codeine alone in the relief of cough. It is unlikely that the decongestant and antihistamine play any useful role, except when they are specifically indicated. In these situations, they should be given separately, so that the various effects and side effects can be controlled independently. In an animal study, ammonium chloride was shown to be an effective expectorant, but at doses of 400 mg./kg. No evidence of the usefulness of ammonium chloride at the dose in this product has been presented to the Panel. No effect of chloroform has been demonstrated.

General comments. If this product is to remain on the OTC market, the instructions for use should be revised. The indications for used need to be more carefully defined. The "Caution" section should include more specific warnings about possible side effects and when to seek medical advice

3. "Synephricol Antihistaminic Cough Syrup" containing codeine phosphate, phenylephrine hydrochloride, thenyldiamine hydrochloride, potassium, guiacol sulfonate, ammonium chloride, menthol, and chloroform.

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

Indication: Relief of cough.

Evaluation: Effective, but * * *.

Comments: No evidence has been presented to the Panel that this combination is more effective than codeine alone in the relief of cough. It is unlikely that the decongestant and antihistamine play any useful role, except when they are specifically indicated. In those situations, they should be given separately, so that the various effects and side effects can be controlled independently. In an animal study, ammonium

chloride was shown to be an effective expectorant, but at doses of 400 mg./kg. No evidence of the usefulness of ammonium chloride at the dose in this product has been presented to the Panel. In the same study, potassium guaiacolsulfonate was shown to be ineffective as an expectorant, at a dose of 100 mg./kg. Although it has been reputed for many years to be effective in doses of 300–1,300 mg. in man, controlled clinical studies are lacking. No data supporting the usefulness of chloroform in this product have been presented to the Panel.

This indication was reevaluated as ineffective as a fixed-dose combination with the following additional comment:

The drying effect of the antihistamine is counter to the supposed expectorant action of the other ingredients.

General comments. Because this is an OTC product, the Panel is of the opinion that the indications should be better defined and that the "Caution" section should be expanded to include more specific warnings about possible side effects and when to seek medical advice.

4. "Bristalin Cough Syrup" containing phenyltoloxamine citrate, ipecac fluidextract, ammonium chloride, sodium citrate, and menthol.

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

Indication: Relief of cough.
Evaluation: Ineffective.
Comments: This product does not contain an accepted antitussive agent. The expectorant compounds are present in doses below their effective range. There is no evidence that phenyltoloxamine has any action in nonallergic upper respiratory illnesses; one study indicated that it added nothing to the effect of APC's in patients with upper respiratory infections.

5. "Romilar Syrup" containing dextromethorphan hydrobromide.

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

Indication: Temporary control of coughs.
Evaluation: Effective.
Comments: Critical, well controlled studies of the efficacy of Romilar are not available. However, the preponderant evidence is that dextromethorphan is an effective cough suppressant.

General comments. The Panel does not believe that adequate instructions for the use of Romilar are included in the labeling. The hazards of self-medication are not discussed.

The only reason given to seek medical aid is persistent cough. The development of new symptoms, for example, hemoptysis, fever, or chest pain, may herald the onset of a potentially serious condition, requiring medical examination, diagnosis, and treatment.

The dosage recommendations are extremely vague, especially in the pediatric age range. Standard pediatric texts base the dose of dextromethorphan on the size of the child. The dangers of overdose are not discussed.

The Panel objects to the "cough specific" claim on the label because it is misleading.

6. "Romilar Expectorant" containing dextromethorphan hydrobromide and ammonium chloride.

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

Indication: Relief of cough.
Evaluation: Effective.
Comments: Critical, well-controlled studies of the efficacy of Romilar are not available. However, the preponderant evidence is that dextromethorphan is an effective cough suppressant.
Indication: Promotion of expectoration.
Evaluation: Possibly effective.
Comments: Presumably, the ammonium chloride moiety provides the expectorant action. No evidence has been presented to the Panel, and the Panel is unaware of any in the published medical literature, of the expectorant property of ammonium chloride in the doses recommended for this product. The rationale for this use of ammonium chloride appears to have received early support in the work by Boyd and his coworkers. However, Perry and Boyd used doses in animals (400 mg./kg. in rabbits) that are considerably higher than those suggested in the Romilar Expectorant labeling.

General comments. The Panel does not believe that adequate instructions for the use of Romilar are included in the labeling. The hazards of self-medication are not discussed.

The only reason given to seek medical aid is persistent cough. The development of new symptoms, for example, hemoptysis, fever, or chest pain, may herald the onset of a potentially serious condition, requiring medical examination, diagnosis, and treatment.

The dosage recommendations are extremely vague, especially in the pediatric age range. Standard pediatric texts base the dose of dextromethorphan on the size of the child. The dangers of overdose are not discussed.

7. "Romilar Tablets" containing dextromethorphan hydrobromide.

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

Indication: Temporary control of coughs.
Evaluation: Effective.
Comments: Critical, well-controlled studies of the efficacy of Romilar are not available. However, the preponderant evidence is that dextromethorphan is an effective cough suppressant.

General comments. The Panel does not believe that adequate instructions for the use of Romilar are included in the labeling. The hazards of self-medication are not discussed.

The only reason given to seek medical aid is persistent cough. The development of new symptoms, for example, hemoptysis, fever, or chest pain, may herald the onset of a potentially serious condition, requiring medical examination, diagnosis, and treatment.

The dosage recommendations are extremely vague, especially in the pediatric age range. Standard pediatric texts base the dose of dextromethorphan on the size of the child. The dangers of overdose are not discussed.

The Panel objects to the "cough specific" claim on the label because it is misleading.

These comments by the Panel are based on the Romilar Syrup label, because the Tablet label provided by the manufacturer provided even less information.

8. "Toclase Syrup" containing carbetapentane citrate.

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

Indication: Relief of cough.
Evaluation: Effective.
Comments: None.

General comments. Under "Precautions," it is stated that, "if serious allergic reactions occur and cannot be controlled by antihistamine, the use of Toclase should be discontinued." It seems more appropriate to the Panel to discontinue the drug immediately, thereby avoiding the risk of a serious reaction.

9. "Toclase Cough Tablets" containing carbetapentane citrate.

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

Indication: Relief of cough.
Evaluation: Effective.
Comments: None.

10. "T. H. & M. Cough Syrup" containing dextromethorphan hydrobromide and terpin hydrate.

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

Indication: Temporary relief of coughs.
Evaluation: Effective, but * * *.
Comments: There is no evidence that this combination product is more effective than dextromethorphan itself. Terpin hydrate has been used for manys years "to lessen an abundant sputum in chronic cough." The Panel is unaware of controlled studies supporting this effect. Furthermore, the recommended effective dose is 300 mg. three to five times per day, and the dose recommended in this product is thought to be of benefit only as a vehicle.

This indication was reevaluated as probably effective with the following additional comment.

Comment: Additional data should be provided regarding the contribution of terpin hydrate.

General comments. The Panel does not believe that adequate instructions for the use of T.H.&M. Cough Syrup are included in the labeling. The hazards of self-medication are not discussed. The only reasons given to seek medical aid are persistent cough and high fever. The development of new symptoms, for example, hemoptysis, dyspnea, or chest pain, may herald the onset of a potentially serious condition, requiring medical examination, diagnosis, and treatment.

The dosage recommendations are extremely vague, especially in the pediatric age range. Standard pediatric texts base the dose of dextromethorphan on the size of the child. The dangers of overdose are not discussed.

11. "Orthoxicol Cough Syrup" containing dextromethorphan hydrobromide, methoxyphenamine hydrochloride, and sodium citrate.

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

Indication: Temporary relief of cough due to the common cold and minor throat irritations.
Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed-dose combination.)
Comments: No data supporting the efficacy of Methoxyphenamine HCl (17–34 mg./dose) or sodium citrate have been presented to the Panel. The Panel doubts whether this product is any more effective than dextromethorphan alone.

12. "Romilar-CF Syrup" containing dextromethorphan hydrobromide, phenylephrine hydrochloride, chlorpheniramine maleate, acetaminophen, and chloroform.

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

Indication: Relief of "coughs due to colds or other minor throat irritations."

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed-dose combination).

Comments: This combination product is marketed as an antitussive. However, it contains phenylephrine, chlorpheniramine, acetaminophen, and chloroform, in addition to the antitussive drug, dextromethorphan. None of these extra ingredients is known to have any antitussive properties, nor has evidence been presented to the Panel that the combination is more effective than Romilar (dextromethorphan) itself.

Furthermore, the Panel objects to the inclusion of ingredients other than dextromethorphan in this product, because the potential toxicities of other agents limit the ability of the patient to adjust the dose of the antitussive with complete safety.

Indication: "Full 8-hour action."

Evaluation: Possibly effective (subsequently reevaluated as ineffective).

Comments: No evidence documenting the 8-hour effect has been presented to the Panel.

General comments. The Panel does not believe that adequate instructions for the use of Romilar are included in the labeling. The hazards of self-medication are not discussed.

The only reason given to seek medical aid is persistent cough. The development of new symptoms, for example, hemoptysis, fever, or chest pain, may herald the onset of a potentially serious condition, requiring medical examination, diagnosis, and treatment.

The dosage recommendations are extremely vague, especially in the pediatric age range. Standard pediatric texts base the dose of dextromethorphan on the size of the child. The dangers of overdose are not discussed.

13. "Romilar-CF Capsules" containing dextromethorphan hydrobromide, phenylephrine hydrochloride, chlorpheniramine maleate, and acetaminophen.

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

Indication: Symptomatic relief of colds.

Evaluation: Possibly effective.

Comments: Evidence of the usefulness of this product for this indication has not been presented to the Panel.

Indication: Symptomatic relief of cough.

Evaluation: Effective, but * * * (subsequently reevaluated at ineffective as a fixed-dose combination).

Comments: This product contains phenylephrine, chlorpheniramine, and acetaminophen, in addition to the antitussive drug, dextromethorphan. None of these extra ingredients is known to have any antitussive properties, nor has evidence been presented to the Panel that the combination is more effective than Romilar (dextromethorphan) itself.

Furthermore, the Panel objects to the inclusion of ingredients other than dextromethorphan in this product, because the potential toxicities of the other agents limit the ability of the patient to adjust the dose of the antitussive with complete safety.

14. "Reflexol Cough Medicine," and

15. "Reflexol Cough Medicine" (sugar-free formula) containing carbetapentane citrate and menthol.

These drugs have been evaluated by the Panel on Drugs Used in Respiratory Disturbances.

Indication: Relief of coughs.

Evaluation: Effective.

Comments: None.

General comments. In the opinion of the Panel, the use of both "tablespoonful" and "teaspoonful" measurements under "Directions for use" is confusing and could result in the administration of an improper dose. If the section were not read carefully, it could result in a child's receiving three times the recommended dose.

16. "Candette Cough Syrup" containing carbetapentane citrate, pyrilamine maleate, phenylephrine hydrochloride, ammonium chloride, and menthol.

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

Indication: Relief of cough.

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed-dose combination).

Comments: No evidence of the usefulness of any of the ingredients, other than carbetapentane citrate, in the relief of cough has been presented to the Panel. Ammonium chloride was found to be an effective expectorant in animals at a dose of 400 mg./kg.; no evidence of effectiveness at the dose range recommended for this product has been presented to the Panel.

It is unlikely that the decongestant and antihistamine play any useful role except when they are specifically indicated. In such situations, they should be given separately, so that the various effects and side effects can be controlled independently.

Indication: Relief of nasal congestion.

Evaluation: Effective, but * * *(subsequently reevaluated as ineffective as a fixed-dose combination).

Comments: The usefulness of pyrilamine maleate in relief of nasal congestion due to colds is undocumented.

Indication: "Cuts phlegm."

Evaluation: Possibly effective.

Comments: The exact meaning of this claim is unclear. Equally unclear (and undocumented) is how the desired effect is to be accomplished pharmacologically.

17. "Flavihist Cough Syrup" containing carbetapentane citrate, pyrilamine maleate, pheniramine maleate, ammonium chloride, ascorbic acid, sodium citrate, chloroform, and menthol.

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

Indication: Symptomatic relief of coughs, colds, allegry, hay fever, and allergic sinusitis.

Evaluation: Ineffective.

Comments: This product apparently is sold primarily as a cough medication; the Panel therefore objects to inclusion of ingredients other than the carbetapentane citrate. This combination, besides containing low doses of agents for which no antitussive properties have been demonstrated, provides only homeopathic doses of the antitussive. Because of the low dosage, the Panel doubts that effectiveness can be demonstrated for the allergic indications.

18. "Carbetapentane Citrate Tablets," Nysco Laboratories, Inc.

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

Indication: Relief of cough.

Evaluation: Effective.

Comments: None.

19. "Carbetapentane Citrate with S.P.C. Capsules" containing carbetapentane citrate, salicylamide, phenacetin and caffeine; Nysco Laboratories, Inc.

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

Indication: Relief of cough.

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed-dose combination).

Comments: Although the S.P.C. components of this product may provide relief of other symptoms that commonly accompany a cold, there is no evidence that they add anything to the effect of carbetapentane in relieving cough.

20. "Isodettes Cough Syrup" containing carbetapentane citrate, phenylephrine hydrochloride, chlorpheniramine maleate, acetaminophen, and honey.

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

Indication: Temporary relief of coughs.

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed-dose combination).

Comments: No evidence of the usefulness of any of the ingredients, other than carbetapentane citrate, in the relief of cough has been presented to the Panel.

It is unlikely that the decongestant and antihistamine play any useful role, except when they are specifically indicated. In these situations, they should be given separately, so that the various effects and side effects can be controlled independently.

No evidence of the usefulness of acetaminophen at the dose recommended for this product has been presented to the Panel.

21. "Syr-Tane Cough and Cold Syrup" containing carbetapentane citrate, pyrilamine maleate, phenylephrine hydrochloride, ammonium chloride and menthol.

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

Indication: Relief of cough.

Evaluation: Effective, but * * *.

Comments: No evidence of the usefulness of any of the ingredients, other than carbetapentane citrate, in the relief of cough has been presented to the Panel. Ammonium chloride was found to be an effective expectorant in animals at a dose of 400 mg./kg.; no evidence of effectiveness at the dose range recommended for this product has been presented to the Panel.

This indication was subsequently reevaluated as ineffective as a fixed-dose combination with the following additional comments:

The drying effect of the antihistamine is counter to the supposed expectorant action of ammonium chloride.

Indication: Eases cold symptoms, clears nasal congestion, cuts phlegm.

Evaluation: Possibly effective.

Comments: Studies supporting the usefulness of this product for these claims have not been presented to the Panel.

22. "Tussene Cough Syrup" containing carbetapentane citrate, pyrilamine maleate, phenylephrine hydrochloride and ammonium chloride.

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

Indication: Relief of cough.

Evaluation: Effective, but * * *.

Comments: No evidence of the usefulness of any of the ingredients, other than carbetapentane citrate, in the relief of cough has been presented to the Panel. Ammonium

chloride was found to be an effective expectorant in animals at a dose of 400 mg./kg.; no evidence of effectiveness at the dose range recommended for this product has been presented to the Panel. Although phenylephrine may act to reduce nasal congestion and possibly postnasal drip, no proof has been presented to the Panel that this adds to the antitussive effect of carbetapentane.

This indication was reevaluated as ineffective as a fixed-dose combination with the following additional comment:

The antihistamine may have an undesirable drying effect.

23. "Daldrin Elixir" containing codeine phosphate, phenylpropanolamine hydrochloride, menthol, ipecac fluidextract, sodium citrate, and chloroform.

This drug has been evaluated by the panel on Drugs Used in Respiratory Disturbances.

Indication: Relief of cough.

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed-dose combination).

Comments: No evidence has been presented to the Panel that this combination is more effective than codeine alone in the relief of cough. The usefulness of phenylpropanolamine in a cough mixture and at an oral dose of 10 mg. has not been proved to the Panel. Ipecac probably is active as an expectorant, but no evidence of this effect at a dose of 0.02 mg. has been presented to the Panel. No effect for either sodium citrate or chloroform has been demonstrated.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5064, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9208 Filed 6-19-72;8:46 am]

[DESI 60269]

CERTAIN OTC TOPICAL BACITRACIN OINTMENTS

Drugs for Human Use; Drug Efficacy Study Implementation

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

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group, Panel on Drugs Used in Dermatology, evaluated the following topical bacitracin ointments as possibly effective for their listed indications, with the following comment:

Although this concentration of bacitracin, 500 u/g, may be effective in the treatment of susceptible, superficial open skin infections, there is no adequate support that it aids healing or is of prophylactic value in the prevention of superficial skin infections. With use, there is the possibility of overgrowth by nonsusceptible gram-negative organisms with resultant serious secondary infection.

The Panel feels that there are no well controlled studies to support the prophylactic use of topical antimicrobial agents in these minor and usually self-limited cutaneous traumas.

The products, with their respective indications, are as follows:

1. Bacitracin Ointment; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 60-269).

Indication: For use in prevention of infection in minor cuts and abrasions.

2. Bacitracin Topical Ointment; Pfizer Laboratories, Division Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 60-288).

Indication: For use in prevention of infection in minor cuts and abrasions.

3. Bacitracin Topical Ointment; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, N.J. 07407 (NDA 60-303).

Indication: An antibiotic ointment to help prevent infection in minor cuts, burns and abrasions; as an aid to healing.

4. Bacitracin Ointment; Rexall Drug Co., 3901 North Kingshighway Boulevard, St. Louis, Mo. 63115 (NDA 60-322).

Indication: Antibiotic ointment which guards against infection by inhibiting susceptible germs in minor cuts, burns, or abrasions.

5. Bacitracin Ointment; Day-Baldwin, 485 Lexington Avenue, New York, N.Y. 10017 (NDA 60-326).

Indication: An antibiotic ointment to help prevent infection in minor cuts, burns, and abrasions.

6. Bacitracin Ointment; Bryant Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, N.Y. 10550 (NDA 60-330).

Indication: For use in prevention of infection in minor cuts and abrasions.

7. Bacitracin Ointment; Vitamix Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132 (NDA 60-355).

Indication: For use in prevention of infection in minor cuts and abrasions.

8. Bacitracin Ointment; American Pharmaceutical Co., 120 Bruckner Boulevard, New York, N.Y. 10454 (NDA 60-390).

Indication: To help prevent infection in minor cuts, burns, and abrasions; as an aid to healing.

9. Topitracin Ointment containing bacitracin; Reed and Carnrick, 30 Boright Avenue, Kenilworth, N.J. 07033 (NDA 60-391).

Indication: Antibiotic ointment which guards against infection by inhibiting susceptible germs in minor cuts, burns or abrasions.

10. Bacitracin Ointment; The Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y. 13815 (NDA 60-415).

Indication: To help prevent infection in minor cuts, burns, and abrasions.

11. Bacitracin Ointment; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 60-686).

Indication: For use in prevention of infection in minor cuts and abrasions.

12. Baciguent Ointment containing bacitracin; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 61-033).

Indication: For minor cuts, burns, abrasions, and insect bites; aids in healing and in the prevention of infection.

13. Bacitracin Ointment; Kasco Laboratories, Inc., Cantiague Road, Hicksville, N.Y. 11802 (NDA 61-213).

Indication: To help prevent infection in minor cuts, burns, and abrasions; as an aid to healing.

14. Bacitracin Ointment; The Vitarine Co., Inc., 227-15 North Conduit Avenue, Springfield Gardens, N.Y. 11413 (NDA 61-218).

Indication: For the prevention of infection in minor cuts, abrasions and burns.

15. Bacitracin Ointment; Supreme Pharmaceutical Co., Inc., 354 Mercer Street, Jersey City, N.J. 07302.

Indication: For use in prevention of infection in minor cuts and abrasions.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 60269, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended, 21 U.S.C. 352, 357) and under 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.72-9213 Filed 6-19-72;8:47 am]

[DESI 10367]

CERTAIN ANTI-INFECTIVE DRUG PREPARATIONS CONTAINING CHLORQUINALDOL AND HYDROCORTISONE: TRICLOBISONIUM CHLORIDE AND HYDROCORTISONE; IODOCHLORHYDROXYQUIN AND HYDROCORTISONE; OR COAL TAR SOLUTION, DIIODOHYDROXYQUIN, AND HYDROCORTISONE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anti-infective drugs for topical use:

1. Sterosan-Hydrocortisone Cream and Ointment containing chlorquinaldol and hydrocortisone; Geigy Pharmaceuticals, Ciba-Geigy Corp., Saw Mill River Road, Ardsley, N.Y. 10502 (NDA 10-367).

2. Triburon HC Ointment containing triclobisonium chloride and hydrocortisone; Roche Laboratories Division, Hoffman-LaRoche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110 (NDA 11-827).

3. Triburon Hydrocortisone Cream containing trichlobisonium chloride and hydrocortisone; Roche Laboratories (NDA 11-924).

4. Vioform Hydrocortisone Cream and Ointment containing iodochlorhydroxyquin and hydrocortisone; Ciba Pharmaceutical Co., 566 Morris Avenue, Summit, N.J. 07901 (NDA 10-412).

5. Cor-Tar-Quin Lotion containing coal tar solution, diiodohydroxyquin, and hydrocortisone; Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Avenue, New York, N.Y. 10023 (NDA 11-207).

6. Cor-Tar-Quin Creme containing coal tar solution, diiodohydroxyquin, and hydrocortisone; Dome Laboratories (NDA 10-822).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that the above listed drugs are possibly effective for their labeled indications relating to use in various dermatologic and anogenital conditions.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 10367, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9209 Filed 6-19-72;8:47 am]

[DESI 50234]

CERTAIN PREPARATIONS CONTAINING NYSTATIN AND HYDROCORTISONE; OR NYSTATIN, IODOCHLORHYDROXYQUIN, AND HYDROCORTISONE FOR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs for topical use marketed by Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Avenue, New York, N.Y. 10023:

1. Nysta-Cort Lotion containing nystatin and hydrocortisone (NDA 50-244); and

2. Nystaform-HC ointment (NDA 50-234) and Lotion (NDA 50-236) containing nystatin, iodochlorhydroxyquin, and hydrocortisone.

The Food and Drug Administration concludes that topical preparations containing nystatin and hydrocortisone with or without iodochlorhydroxyquin are possibly effective for their labeled indications relating to use in various dermatoses or as antiinfective agents.

These drugs are subject to antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants time to obtain and submit data to provide substantial evidence of the effectiveness of the drugs in those conditions for which they have been evaluated as possibly effective, batches of these drugs which bear labeling with those indications will be accepted for release or certification by the Food and Drug Administration for a period of six months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of the claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drugs will not be eligible for release or certification.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 50234, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number, if known): Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9212 Filed 6-19-72;8:47 am]

ESTABLISHMENT OF CHILD-PROTECTION PACKAGING STANDARDS FOR NONPRESCRIPTION DRUGS FOR HUMANS

Requests for Comments and Data

Through investigations by the Food and Drug Administration and from other sources, the Commissioner of Food and Drugs has determined that the accidental

ingestion of many nonprescription (over-the-counter) drugs for humans is a significant cause of hospitalizations and fatalities of children under 5 years of age. A comprehensive implementation of the Poison Prevention Packaging Act of 1970 for such nonprescription drugs is therefore needed.

The Commissioner is considering publishing a notice proposing child-protection packaging standards for all nonprescription drugs which are subject to said act within the parameters of section 3(a)(1) of the act. The degree or nature of the hazard to children presented by some nonprescription drugs is such that these drugs will not be subject to the act. Drug evaluations are currently underway for determining such degree or nature of hazard.

Therefore, the Commissioner invites comments on requiring child-protection packaging standards for nonprescription drugs and suggestions as to which nonprescription drugs should not be subject to such standards. Consideration will be given to such relevant data as dosage forms, toxicity of the drug, the quantity of drug present in a package, inherent attractiveness or unattractiveness of the package or dosage unit, human experience data, and any other appropriate data or information.

The poison prevention packaging standards set forth in 21 CFR 295.3 (a), (b), and (c), promulgated February 16, 1972 (37 F.R. 3427), will be the designated standards for all nonprescription drugs which shall be found to require child-protection packaging.

The demands for special packaging are expected to be substantial and will increase rapidly when child-protection packaging standards for nonprescription drugs become effective. In considering the purpose of the act, which is to protect children from poisoning accidents, the Commissioner hereby requests the pharmaceutical industry to cooperate and expand the use of special packaging to all nonprescription drug products where any potential for hazard to children exists, rather than await the time-consuming procedures necessary to establish legally enforceable requirements.

Comments and suggestions in response to this notice should be submitted, within 90 days after publication hereof in the FEDERAL REGISTER and preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Submissions may be accompanied by a memorandum or brief in support thereof, and may be seen in the above office during working hours, Monday through Friday.

Dated: June 8, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9173 Filed 6-19-72;8:50 am]

PENNWALT CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2799) has been filed by Pennwalt Corp., 900 First Avenue, King of Prussia, Pa. 19406, proposing that § 121.2593 Polyvinylidene fluoride resins (21 CFR 121.2593) be amended in order: (1) To provide for the safe use of polyvinylidene fluoride resins as articles or components of articles intended for single use as well as repeated use in contact with food, and (2) both to increase the maximum level of total extractives in each extracting solvent to 0.2 milligram per square inch of the finished food-contact article and to establish a maximum level of fluoride extractives at 0.03 milligram per square inch of the finished food-contact article.

Dated: June 7, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-9214 Filed 6-19-72;8:47 am]

THURON INDUSTRIES, INC.

Rulex Sheep and Goat Wormer; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51 et seq., 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

At the request of Thuron Industries, Inc., 12200 Denton Drive, Dallas, Tex. 75234, and in accordance with § 135.28(d) (21 CFR 135.28(d)), notice is given that approval of NADA (new animal drug application) No. 33-719V for Rulex Sheep and Goat Wormer (4-tert-butyl-2-chlorophenyl methyl methylphosphoramidate) is hereby withdrawn.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6-20-72).

(Sec. 512, 82 Stat. 343-51 et seq., 21 U.S.C. 360b)

Dated: June 9, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9215 Filed 6-19-72;8:47 am]

[DESI 10551]

TROLEANDOMYCIN (FORMERLY TRIACETYLOLEANDOMYCIN) FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice (DESI 10551) published in the FEDERAL REGISTER of February 12, 1970 (35 F.R. 2902), 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 drugs:

1a. Cyclamycin Oral Suspension containing troleandomycin equivalent to 125 milligrams of oleandomycin per 5 cubic centimeters (NDA 60-971); and

b. Cyclamycin Capsules containing troleandomycin equivalent to 125 or 250 milligrams of oleandomycin per capsule; both by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 60-970);

2a. TAO Pediatric Drops containing troleandomycin equivalent to 100 milligrams of oleandomycin per cubic centimeter (when reconstituted) (NDA 11-658);

b. TAO Ready-Mixed Oral Suspension containing troleandomycin equivalent to 125 milligrams of oleandomycin per 5 cubic centimeters (NDA 50-332); and

c. TAO Capsules containing troleandomycin equivalent to 125 or 250 milligrams of oleandomycin per capsule; all three by J. B. Roerig & Co., Division of Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 50-336).

The notice stated that the drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for various labeled indications.

Based upon data submitted concerning these preparations, the Commissioner finds it appropriate to amend the announcement of February 12, 1970, as follows:

1. The effectiveness classifications of the following indications are changed from possibly effective to effective: *Streptococcus pyogenes:* Group A beta-hemolytic streptococcal infections in the upper respiratory tract; and *Diplococcus pneumoniae:* Pneumococcal pneumonia due to susceptible strains.

2. The Indications section should read as follows:

INDICATIONS

Troleandomycin is indicated in infections caused by the following microorganisms:

"Diplococcus pneumonia": Pneumococcal pneumonia due to susceptible strains.

"Streptococcus pyogenes": Group A beta-hemolytic streptococcal infections of the upper respiratory tract.

Injectable benzathine penicillin G is considered by the American Heart Association to be the drug of choice in the treatment and prevention of streptococcal pharyngitis and in long-term prophylaxis of rheumatic fever.

Troleandomycin is generally effective in the eradication of streptococci from the nasopharynx. However, substantial data establishing the efficacy of troleandomycin in the subsequent prevention of rheumatic fever are not available at present.

Batches of the drug for which certification is requested should provide for labeling information in accord with labeling indications developed on the basis of this reevaluation of the drug and published in this announcement.

The remaining possibly effective indication, i.e., for certain respiratory tract infections due to staphylococci, has been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of this drug has been submitted pursuant to the notice of February 12, 1970.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness 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 other 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 6-88, 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, 59 Stat. 463, 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 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9210 Filed 6-19-72;8:47 am]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions and Delegations of Authority

Part 2 (Office of Education) section 2-B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare published in the FEDERAL REGISTER on October 23, 1971, at 36 F.R. 20547, is hereby amended as follows:

The Office of the Deputy Commissioner for External Relations, Office of Public Affairs (36 F.R. 20548) is hereby amended as follows:

The title of the Media Services Division is amended to read "News Division."

The title of the Bureau Services Division is amended to read "Program Services Division."

Dated: June 15, 1972.

LEO J. HOLLAND,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-9276 Filed 6-19-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-321; 50-366]

GEORGIA POWER CO.

Notice of Availability of AEC Draft Environmental Statement for Edwin I. Hatch Nuclear Plant Unit 1 and Unit 2

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a draft environmental statement for the Edwin I. Hatch Nuclear Plant Unit 1 and Unit 2 of the Georgia Power Co. has been prepared by the Directorate of Licensing, U.S. Atomic Energy Commission and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Applying County Public Library, Parker Street, Baxley, Ga. 31513. The statement is also being made available at the Bureau of State Planning and Community Affairs, Room 611, 270 Washington Street SW., Atlanta, GA 30303, and at the Altamaha Area Planning and Development Commission (APDC), Post Office Box 328, Baxley, GA 31513.

The notice of availability of the Georgia Power Co.'s environmental report and the supplement thereto was published in the FEDERAL REGISTER on January 11, 1972 (37 F.R. 410).

Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Directorate of Licensing.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within seventy-five (75) days from date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the proposed action and the draft environmental statement. Federal and State agencies are being provided with copies of the draft environmental statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, ad local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Directorate of Licensing.

Dated at Bethesda, Md., this 15th day of June 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Directorate of Licensing.

[FR Doc.72-9345 Filed 6-19-72;8:51 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice and Order for Evidentiary Hearing

On October 21, 1968, the Atomic Energy Commission issued a provisional construction permit, numbered CPPR-55, to the Maine Yankee Atomic Power Co. for the construction of a Pressurized Water Nuclear Reactor, designed to operate at approximately 2,440 thermal megawatts, with a net electric output of approximately 830 megawatts. Under this permit, the Maine Yankee Atomic Power Station is being constructed on the West Shore of the Back River in Wiscasset, Lincoln County, Maine.

On May 10, 1971, the Atomic Energy Commission issued a "Notice of AEC Consideration of Issuance of Facility Operating License" which would authorize Maine Yankee to possess, use, and operate the Maine Yanker Power Station in accordance with the provisions of the license and the appended technical specifications. Pursuant to such notice and a request for hearing duly filed, the Commission on November 4, 1971, issued a "Memorandum and Order" together with a "Notice of Hearing on Operating License Application." On March 2, 1971, the Commission issued a "Supplementary Notice of Hearing on Operating License Application" to reflect the revised regulations of the Commission implementing the National Environmental Policy Act of 1969. The Atomic Safety and Licensing Board in this case was ordered to convene the hearing to consider all the issues stated.

A prehearing conference called by the Board was held in Washington, D.C., by request of the parties. At this prehearing conference, the date for the first session of the evidentiary hearing was tentatively set for July 5, 1972. In the interim, the Alternate Chairman of the Board has been appointed Chairman, to effect a more equal distribution of case load.

Take notice, and it is hereby ordered, That the initial session of the evidentiary hearing in this proceeding shall convene at 2 p.m., local time, on Wednesday, July 5, 1972, in the conference room of the Wiscasset School, on Federal Street, in Wiscasset, Maine 04578.

All persons having filed a request for limited appearance will be afforded an opportunity to place their comments and views into the record. In order to conserve time, the Board will accept written comments for the record from such participants in lieu of oral comments or in supplement of such oral comments.

The following general agenda will be followed: (1) Preliminary matters by the Board; (2) opening statements of the parties; (3) limited appearances; (4) preliminary matters brought by parties; (5) consideration of stipulations, if any; (6) introduction of testimony; (7) questioning of witnesses by Board Members; and (8) closing matters.

By order of the Atomic Safety and Licensing Board.

Issued: June 12, 1972, Washington, D.C.

JOHN B. FARMAKIDES, Esq.,
Chairman.

[FR Doc.72-9203 Filed 6-19-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24215]

AIRLIFT BLOCKED-SPACE CASE

Notice of Postponement of Hearing

Notice is hereby given that the hearing previously set for June 27, 1972 (37 F.R. 10813, May 27, 1972), will be held on July 11, 1972 at 10 a.m., local time, in Room 1031, Universal Building North, 1875 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., June 14, 1972.

[SEAL] ROBERT L. PARK,
Associate Chief Examiner.

[FR Doc.72-9265 Filed 6-19-72;8:49 am]

[Docket No. 19461; Order 72-6-58]

GATEWAY AVIATION CO., INC., ET AL.

Order Denying Petition for Review of Staff Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of June 1972.

Application of Gateway Aviation Co., Inc., for domestic and international air freight forwarding authority; application of Gateway Transportation Co., Inc., Gateway Aviation Co., Inc., et al., for approval of control and interlocking relationships between a long-haul motor carrier and an air freight forwarder under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 19461.

By Order 72-4-5, April 3, 1972, the Director, Bureau of Operating Rights, acting pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, determined that Gateway Aviation Co., Inc. (Aviation) is qualified to receive authorizations to act as a domestic and international air freight forwarder under Parts 296 and 297 of the Board's economic regulations (14 CFR Parts 296, 297), and exempted pursuant to section 408(a)(5) of the Federal Aviation Act of 1958, as amended, (the Act) the control of Aviation by Gateway Transportation Co., Inc. (Transportation), which would exist upon the assumption by Aviation of air carrier status. Aviation is an affiliate of Transportation, which is a long-haul motor carrier, and thus the applications are governed by subparts I and F of Parts 296 and 297 and by the policy set forth in § 399.20 of the Board's policy statements.

On April 21, 1972, after extensions of time therefor had been granted by the staff, the Air Freight Forwarder Association (AFFA) filed a petition for review of Order 72-4-5, and the Gateway applicants filed an answer on April 27.

Order 72-4-5 noted that no comments relative to the applications had been received, and § 385.50 of the Board's organization regulations permits petitions for review of staff actions by those persons who, inter alia, have not participated in the action at the staff level only "by persons who have not had opportunity to so participate or show good and sufficient cause for not having participated." AFFA asserts that good cause exists for its failure to earlier participate because the notice requirements of §§ 296.84 and 297.64 were not observed.[1] We find that these requirements were observed, and further find that AFFA had actual notice of the Gateway applications.[2] Accordingly, we will deny the petition for review.

Moreover, were we to entertain the petition, we would affirm the staff. AFFA claims that the staff findings with respect to the need for market development are unsupported by meaningful evidence. This conclusion is reached by emphasizing the location of the air terminals that Gateway has selected to initiate its operation.[3] The staff's conclusions, on the other hand, were based on the coordinated nature of Gateway's plan to promote air freight. As Order 72-4-5 indicates, even assuming that only the initial air terminals are opened, the proposal to combine short surface line hauls with longer journeys by air creates the possibility of generating significant traffic for air freight in thousands of communities too small to be served solely by air. Order 69-4-100[4] initiated an experiment to test the ability of motor carriers to develop air freight. The staff's conclusion was that the Gateway application presented an adequate opportunity to judge one particular type of proposal, a "coordinated" plan. We find no basis for concluding that this decision was wrong.

AFFA requests not only that the Gateway application be denied but also asks for a moratorium on all further authorizations to long-haul motor carriers on the ground that serious inroads are being made on the traffic of independent forwarders. There is no basis for any conclusion that Gateway's operations, alone or together with those of other similar carriers, will create a monopoly and thereby restrain competition or jeopardize another air carrier, or for that matter that Gateway's operations will have any significant competitive impact upon existing air freight forwarders. Furthermore, the request for a moratorium is basically one for reconsideration of our policy of monitored entry of motor carrier affiliates into air freight forwarding. AFFA has not demonstrated that the standards stated by the Court of Appeals and the Board have not been complied with, or that there has been any cumulative impact on the independent forwarders which warrants a termination of the experiment in monitored entry.

Accordingly, it is ordered, That:

The petition of the Air Freight Forwarders Association for Board review of Order 72-4-5 be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[5]
Secretary.

[FR Doc.72-9263 Filed 6-19-72;8:49 am]

[Docket No. 24361; Order 72-6-54]

FRONTIER AIRLINES, INC.

Order Granting Petition for Reconsiderationn

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of June 1972.

Frontier Airlines, Inc. (Frontier), filed an application on March 30, 1972, requesting exemption or other permissive and expedited authority to provide nonstop service between Durango and Gunnison, Colo., and between Winslow, Ariz., and Albuquerque, N. Mex.,[1] on a subsidy-eligible basis. Order 72-6-22 indicated that Frontier's application would be

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[1] Those sections, substantially identical, one aimed at domestic and the other at international applications, read as follows:

Notice of applications will be published in the FEDERAL REGISTER and in the Board's weekly publication of applications filed.

[2] Notice of the Gateway application was filed in the FEDERAL REGISTER, 35 F.R. 4666 (1970) and in the Board's Digest of Applications dated Dec. 29, 1967. AFFA argues that the Dec. 29, 1967, notice cannot be considered because it predated the issuance of §§ 296.84 and 297.64 and because it was by no means certain that the Gateway applications would be processed after promulgation of the long-haul motor carrier regulations. However, AFFA has not denied that it has had prior actual knowledge of the pendency of the Gateway application and the firm intention of the applicants to proceed. Gateway was an active participant in Docket 16857, Motor Carrier Air Freight Forwarder Investigation, along with AFFA, as well as in the review proceedings before the Second Circuit in ABA Air Freight Co., et al. v. CAB, 391 F. 2d 295 (C.A. 2, 1968) and 419 F. 2d 154 (C.A. 2, 1969), cert. denied 397 U.S. 1006 (1970). Such participation was strong evidence of Gateway's commitment to its applications. Furthermore, the staff, by letter dated May 18, 1971, from the Chief, Supplementary Services Division, informed the attorneys for AFFA of the date of publication in the FEDERAL REGISTER of all applications by long-haul motor carriers pending prior to the issuance of the motor carrier regulations. Gateway was included in that publication.

[3] Miami, Atlanta, and Chicago.

[4] Motor Carrier Air Freight Forwarder Investigation, Opinion on Remand, Apr. 21, 1969.

[5] Dissenting statement of Murphy, Member, filed as part of the original document.

[1] Durango is an intermediate point on segment 2 of route 73, and Gunnison is an intermediate point on segment 3. Durango-Gunnison authority would involve overflying the segment junction points Grand Junction and Cortez, Albuquerque is a terminal point on segment 1 and Winslow is an intermediate point on segment 2. Winslow-Albuquerque authority involves overflying the segment junction point Gallup.

processed pursuant to Subpart M of the Board's Procedural Regulations and ordered Frontier to file appropriate forecasts as required by Rule 1304 of the Board's rules of practice. The order gave interested persons 25 days from the filing by Frontier of its supplemental application to file answers to said application.

On June 9, 1972, Frontier filed its supplemental application in accordance with Rule 1304 and petitioned the Board to reconsider and modify ordering paragraph 2 of Order 72–6–22 so as to provide for seven (7) rather than 25 days for interested persons to file answers.

In support of its petition for reconsideration Frontier states that Frontier has been in contact with the parties who originally opposed Frontier's application and these parties have indicated that their opposition will be withdrawn,[2] thus, the only answers which can be reasonably anticipated in response to Frontier's supplemental application will be favorable; expedited approval of Frontier's requested authority is important because the peak summer season has already started; and that Gunnison Airport serves the vacation-oriented community of Crested Butte, Colo., for whom it is important that Frontier's new Gunnison service be instituted as early as possible.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Frontier's petition for reconsideration. However, instead of requiring answers to be filed within seven (7) days of the date of Frontier's answer, as Frontier requested, we will require answers to be filed within seven (7) days of the date of this order.

In light of the fact that no opposition is anticipated, no party will be prejudiced by shortening the time for filing answers to Frontier's supplemental application. This is particularly true since all interested parties were put on notice of Frontier's intent to seek the requested authority on March 30, 1972, when Frontier's initial application was filed.

Frontier has also made a persuasive showing that the requested expedition will serve the needs not only of Frontier, but of the communities involved as well. Since the peak summer season has already begun, the greatest public demand for both the Durango-Gunnison-Denver and the Winslow-Albuquerque flights is occurring right now. Further, this is also the time when Frontier's revenue potential is greatest in these markets, which revenues are needed to bolster the operation of the proposed services during periods of weaker traffic demand throughout the year.

Our decision to advance the procedural dates does not, in any way, compromise our ability to take whatever future procedural action may be necessary to insure that the interest of all affected parties is fully considered.

Accordingly, it is ordered, That:

1. The petition of Frontier Airlines, Inc., for reconsideration of Order 72–6–22, be and it hereby is granted;

2. Upon such consideration, the findings, conclusions, and ordering language of Order 72–6–22, be and they hereby are readopted, with the amendment set forth in ordering paragraph "3" hereof;

3. Ordering paragraph "2" of Order 72–6–22, be and it hereby is amended to read as follows:

2. Any interested person may, within 7 days of the date of Order 72–6–54, file with the Board an answer to said application, such answers to comply with Rules 1306 and 1307(a) of the Board's rules of practice; and

4. A copy of this order shall be served upon those persons named in ordering paragraph "5" of Order 72–6–22.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–9264 Filed 6–19–72;8:49 am]

[Docket No. 24530]

IBERIA AIR LINES OF SPAIN

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

Notice is hereby given that the prehearing conference and hearing previously set for June 15, 1972 (37 F.R. 11700, June 10, 1972), are hereby postponed indefinitely.

Dated at Washington, D.C., June 14, 1972.

[SEAL] ROBERT L. PARK,
Associate Chief Examiner.

[FR Doc.72–9266 Filed 6–19–72;8:49 am]

[Docket No. 24447]

LEEWARD ISLANDS AIR TRANSPORT SERVICES LTD.

Notice of Prehearing Conference and Hearing Regarding Renewal of Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 18, 1972, at 10 a.m., local time, in room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Louis W. Sornson.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 6, 1972.

Dated at Washington, D.C., June 15, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–9267 Filed 6–19–72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Comments

Appendix I below contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from May 16, 1972, to May 31, 1972, as required by section 102(2)(C) of the "National Environmental Policy Act" of 1969 and section 309 of the "Clean Air Act", as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of EPA's comments, and the source for copies of the comments.

Appendix II below contains a listing of proposed regulations reviewed by EPA during the period from May 16, 1972, to May 31, 1972, under section 309 of the "Clean Air Act." The listing includes the Federal agency responsible for the proposed regulation, the title of the regulation, the classification of EPA's comments, and the source for copies of the comment.

Appendix III below contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix IV below contains a listing of the addresses of the sources for copies of EPA comments listed in the appendixes below.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: June 13, 1972.

SHELDON MEYERS,
Director,
Office of Federal Activities.

[2] A telegram has been received from the First National Bank of Durango and the Durango Chamber of Commerce et al., withdrawing their opposition to Frontier's application.

APPENDIX I—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN MAY 16, 1972 AND MAY 31, 1972

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-06040-00: Indian Point Unit No. 2 Nuclear Generating Plant.	3	A
Corps of Engineers	D-COE-90030-00: TNT Plant Air Pollution Abatement Report.	2	A
Do	D-COE-02020-35: Crude Oil and Natural Gas along Louisana Coast.	2	G
Do	D-COE-32318-45: Russian River Basin Channel Improvement and Bank Stabilization Sonoma and Mendocino Counties, Calif.	3	J
Department of Agriculture	D-DOA-24032-12: Sewage Sludge Incorporation, Goddard Space Center.	1	A
Do	D-DOA-36129-20: Evans County Ga. Watershed Evans, Candler and Tattnal.	2	E
Do	D-DOA-36126-20: Little Creek Watershed Wheeler and Laurens County, Ga.	2	E
Do	D-DOA-36120-18: Chicod Creek Watershed Pitt and Beaufort Counties, N.C.	2	E
Do	D-DOA-32340-24: Bowie Dam and Lake Miss. and Ala.	2	G
Do	D-DOA-36122-31: Eagle-Tumblewood Draw Watershed Eddy and Chaves Counties, N. Mex.	1	H
Do	D-DOA-36121-37: Dickman Watershed Little Sioux Flood Prevention.	1	H
Do	D-DOA-36125-37: Simon Run Watershed Pottawatamie county, Iowa.	2	J
Do	D-DOA-62015-48: Proposed Timber Harvest Tonto Working Circle Tonto National Forest, Ariz.	2	K
Do	D-DOA-61048-55: Mount Ashland Chairlift No. 2 Oregon.	3	K
Do	D-DOA-61041-55: Eis on Pelican Butte Winter Sports Site, Oregon.	2	G
Department of Commerce	D-DOC-89091-35: Construction of Sabine River Diversion, Lake Charles, La.	2	K
Do	D-DOC-81079-00: Harborview Park/Parking Structure, Washington.	1	A
Department of Defense	D-DOD-24035-21: Wastewater Treatment Facilities Tyndall AFB.	2	A
Do	D-DOD-89025-00: Coal Procurement Policies	1	A
Do	D-DOD-84010-00: Pacific Cratering Experiments	2	A
Department of the Interior	D-DOI-02026-35: L972 Outer Continental Shelf Oil and Gas General Lease Sale—Offshore Eastern Louisiana.	1	D
Do	D-DOI-01016-11: Strip Mined Area Reclamation and Recreation Center.	2	J
Do	D-DOI-89077-46: Diablo Canyon Desalting Project San Luis Obispo County, Calif.	1	C
Department of Transportation	D-DOT-41272-00: Project Manati-Ciales Relocation of Highway FR-149.	1	E
Do	D-DOT-41224-21: State Road 20 (U.S. 27) Taylor County, Fla.	2	E
Do	D-DOT-51149-24: Jackson Municipal Airport, Jackson, Miss.	2	E
Do	D-DOT-50091-19: Proposed Ash Slurry Pipeline Bridge across Edisto River, S.C.	1	E
Do	D-DOT-41264-19: Rutherford Road to Greenville, S.C.	1	E
Do	D-DOT-41263-20: F-022-1(4) Spalding—Butts Counties, Ga.	1	E
Do	D-DOT-41228-21: State Road 699 Pinellas County, Fla.	1	E
Do	D-DOT-41225-21: State Road 20 FAS Route 12, Walton County, Fla.	1	F
Do	D-DOT-51145-27: Edgar County Airport, Ill.	2	F
Do	D-DOT-51139-27: Litchfield Municipal Airport, Montgomery County, Ill.	2	F
Do	D-DOT-51138-30: Waseca Municipal Airport, Waseca County, Minn.	2	F
Do	D-DOT-51137-30: Fosston Municipal Airport, Polk County, Minn.	1	F
Do	D-DOT-41233-29: Interstate 280 (Upgrading) Wood County, Ohio.	1	F
Do	D-DOT-41232-27: I-55 Rest Area, Will County, Ill.		

APPENDIX I—Continued

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Department of Transportation	D-DOT-41230-29: U.S. Route 30S and U.S. Route 68 (Relocation) Hardin County, Ohio.	1	F
Do	D-DOT-41193-25: M-21 Relocation, Lapeer and St. Clair County, Mich.	1	F
Do	D-DOT-41257-34: State Highway 360 Fr. Proposed State Highway 121 south of Grapevine	2	G
Do	D-DOT-41213-32: Avery Drive in Tulsa and Sand Springs, Oklahoma intersection of Highways 51 and 97.	1	G
Do	D-DOT-41266-38: (SF) 54-48 F 038-2(20) Kingman County, Kans.	1	H
Do	D-DOT-41200-38: Johnson County K-7 Highway from I-35 north through Olathe to proposed K-10 and K-12.	2	H
Do	D-DOT-41249-36: S-126(6) Hayes Center—North, S-72 (5) Trenton-N.	2	H
Do	D-DOT-41247-37: Linn County, U.S. 151, Iowa	1	H
Do	D-DOT-41267-54: South 272d Street Interchange Washington.	1	K
Federal Power Commission	D-FPC-07036-00: Application for new license York Haven Project No. 1888.	1	D
Do	D-FPC-05373-15: Application for new license Dan River, Inc., Va.	2	D
Do	D-FPC-05350-19: Project 2534 Ga. and S.C. Tullulah and Tugalo Rivers.	1	E
Do	D-FPC-05374-30: Brainerd Hydroelectric Project No. 2533—Crow Wing County, Minn.	1	F
Do	D-FPC-03022-35: Michigan-Wisconsin Pipe Line Co. Lacassine Project.	2	G
General Services Administration			
Do	D-GSA-21021-54: Proposed disposal of Naval Supply Center, Wash.	1	K
Department of Health, Education, and Welfare.	D-HEW-85046-11: Proposed construction of Community College of Delaware County, Pa.	2	D
Department of Housing and Urban Development.	D-HUD-85043-07: Proposed New Community Lysander Onondaga County, Syracuse, N.Y.	2	C
National Aeronautics and Space Administration.	D-NAS-12011-00: Space Shuttle Program	1	A
Department of the Treasury	D-TRE-90025-00: Proposal for imposition of a Tax on Sulphur Emission.	2	A
Tennessee Valley Authority	D-TVA-06038-23: Watts Bar Nuclear Plant Units 1 and 2 Tenn.	1	E

APPENDIX II—PROPOSED FEDERAL REGULATIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN MAY 16, 1972 AND MAY 31, 1972

Responsible Federal Agency	Title and identifying number	General nature of comments	Source for copies of comments
Department of Agriculture	R-DOA-90046-00: Forest Service—Use of Pesticides and Chemicals, Forest Service—Use of Pesticides and Chemicals on National Forests, National Grasslands, and Administered by the Forest Service.	1	A
Do	R-DOA-90047-00: Revocation and Suspension of Grazing Permits.	1	A

APPENDIX III—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the

statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX IV—SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, Lincoln more Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-9216 Filed 6-19-72;8:48 am]

FEDERAL MARITIME COMMISSION

A. P. MOLLER-MAERSK LINE AND STATES STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. J. McGowan, Manager, Rates and Conferences Department, States Steamship Co., 320 California Street, San Francisco, CA 94104.

Agreement No. 9987 is a transshipment agreement between A. P. Moller-Maersk Line and States Steamship Co. covering the movement of cargo under through bills of lading from ports of call in Indonesia to U.S. west coast ports of call with transshipment at ports in Japan.

Dated: June 15, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-9277 Filed 6-19-72;8:50 am]

GULF-EUROPEAN FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

E. F. McCormick, Deputy Director, Seabee Division, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, LA 70150.

Agreement No. 9360-3, among Atlantic Gulf Service AB, Central Gulf Steamship Corp., Combi Line, and Lykes Bros. Steamship Co., Inc., modifies and recasts the basic agreement to extend the scope of the agreement to include points and places on inland waterways tributary to the ocean ranges now served by the parties in contemplation of their new Lash/Seabee services; to extend the scope of the agreement to include the United Kingdom and Eire and Continental ports in the Bordeaux/Hamburg range; to eliminate the requirement for giving advance notice of independent action; and to make other minor administrative changes as set forth therein.

Dated: June 15, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-9278 Filed 6-19-72;8:50 am]

SOUTH ATLANTIC MARINE TERMINAL CONFERENCE AND NORFOLK MARINE TERMINAL ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the Commission has been requested to extend the termination date of the following agreement and grant it continued approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, U.S.C. 814). The agreement is scheduled to terminate July 11, 1972.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on the agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the request for extension (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Sam D. Adsit, Jr., Chairman, Norfolk Marine Terminal Association, Post Office Box 89, Norfolk, VA 23501.

and

Mr. Harry C. Jackson, Chairman, South Atlantic Marine Terminal Association, Post Office Box 3037, Wilmington, NC 28401.

Agreement No. T-2299, between the South Atlantic Marine Terminal Conference (SAMTC) and the Norfolk Marine Terminal Association (NMTA), provides for the formation of a joint conference whereby the members of SAMTC and NMTA may confer, discuss, and make recommendations on rates, charges, practices, and matters of concern to the marine terminal industry. The agreement does not confer ratemaking power upon the members nor shall any action taken pursuant to the agreement be binding upon the members. The agreement does not preclude either association from taking any action without the concurrence of the other: *Provided, however,* That with respect to recommendations which have been made pursuant to Agreement No. T-2299, the association taking such action shall promptly notify the other association.

Dated: June 14, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-9279 Filed 6-19-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. RI72-264 etc.]

ATLANTIC RICHFIELD 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 8, 1972.

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

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

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

The Commission orders:

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

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

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-264	Atlantic Richfield Co	11	17	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin).	$158	5-17-72		8- 2-72	18.9253	19.4368	RI71-1065.
	do	15	17	do	171	5-17-72		8- 2-72	18.9253	19.4368	RI71-1065.
	do	17	16	El Paso Natural Gas Co. (South Eunice Field, Lea County, N. Mex.) (Permian Basin).	343	5-17-72		8- 2-72	18.9253	19.4368	RI71-1065.
	do	18	18	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin).	25	5-17-72		8- 2-72	18.9253	19.4368	RI71-1065.
	do	19	16	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin).	169	5-17-72		8- 2-72	18.9253	19.4368	RI71-1065.
	do	20	31	El Paso Natural Gas Co. (Langlie-Mattix et al., Fields, Lea County, N. Mex.) (Permian Basin).	19,877	5-17-72		8- 2-72	18.9253	19.4368	RI71-1065.
	do	26	18	El Paso Natural Gas Co. (Slaughter Gas Plant, Hockley County, Tex.) (Permian Basin).	1,523	5-17-72		8- 2-72	20.1509	20.6558	RI71-1065.
	do	28	40	El Paso Natural Gas Co. (Spraberry Field, Midland, Glasscock, Upton, and Reagan Counties, Tex.) (Permian Basin).	2,395	5-17-72		8- 2-72	20.3450	20.8536	RI71-1065.
	do	29	20	El Paso Natural Gas Co. (Payton-Devonian Field, Ward and Pecos Counties, Tex.) (Permian Basin).	147	5-17-72		8- 2-72	18.8191	19.3278	RI71-1065.
	do	140	17	El Paso Natural Gas Co. (University Block 9 Field, Andrews County, Tex.) (Permian Basin).	6,434	5-17-72		8- 2-72	17.2933	17.8019	RI71-1065.
	do	208	14	El Paso Natural Gas Co. (Headlee Plant, Extor County, Tex.) (Permian Basin).	(1)	5-17-72		8- 2-72	20.1725	20.6768	RI71-1065.
	do	240	13	El Paso Natural Gas Co. (Spraberry Field, Upton et al. Counties, Tex.) (Permian Basin).	6	5-17-72		8- 2-72	20.3450	20.8536	RI71-1065.
	do	243	[2] 21	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	(1)	5-17-72		8- 2-72	18.9253	19.4368	RI71-1065.
	do	245	13	El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex.) (Permian Basin).	214	5-17-72		8- 2-72	18.9253	19.4368	RI71-1065.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-265	Phillips Petroleum Co	7	20	El Paso Natural Gas Co. (Goldsmith Plant, Ector County, Tex.), (Permian Basin).	27,816	5-15-72		8-2-72	17.1878	17.6936	RI71-1142.
	do	9	26	El Paso Natural Gas Co. (Crane Plant, Crane County, Tex.) (Permian Basin).	40,460	5-15-72		8-2-72	16.9349	17.4407	RI71-1142.
	do	10	23	El Paso Natural Gas Co. (Keystone Plant, Winkler County, Tex.) (Permian Basin).	9,311	5-15-72		8-2-72	[3] 19.3191	[3] 19.8364	RI71-1142.
	do	32	42	El Paso Natural Gas Co. (Goldsmith and Fullerton Plants, Ector and Andrews Counties, Tex.,	178,530	5-15-72		8-2-72	17.1878	17.6936	RI71-1142.
				and							
				Eunice Plant, Lea County, N. Mex., Permian Basin).	57,869	5-15-72		8-2-72	17.2503	17.7579	RI71-1142.
	do	33	24	El Paso Natural Gas Co (Goldsmith and Fullerton Plants, Ector and Andrews Counties, Tex., and Eunice Plant, Lea County, N. Mex., Permian Basin).	147,426	5-15-72		8-2-72	17.1878	17.6936	RI71-1142.
						5-15-72		8-2-72	17.2503	17.7579	RI71-1142.
	do	64	23	El Paso Natural Gas Co. (Eunice Plant, Lea County, N. Mex., Permian Basin).	68,528	5-15-72		8-2-72	17.2503	17.7579	RI71-1142.
	do	65	20	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex., Permian Basin).	5,243	5-15-72		8-2-72	18.9253	19.4368	RI71-1142.
	do	151	15	do	1,110	5-15-72		8-2-72	18.9253	19.4368	RI71-1142.
	do	243	30	El Paso Natural Gas Co. (Hobbs Plant) and (Lee Plant) (Lea County, N. Mex., Permian Basin).	52,285	5-15-72		[4] 8-2-72	17.2503	17.7579	RI71-1142.
					61,427	5-15-72		8-2-72	17.7579	18.2656	RI71-1142.
	do	260	11	El Paso Natural Gas Co. (Noelke Field, Crockett County, Tex., Permian Basin).	71	5-17-72		8-2-72	17.8019	18.3105	RI71-1142.
	do	256	12	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex., Permian Basin).	40	5-17-72		8-2-72	20.3450	20.8536	RI71-1142.
	do	309	16	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex., Permian Basin).	148	5-17-72		8-2-72	17.2933	17.8019	RI71-1142.
	do	315	9	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex., Permian Basin).	26	5-17-72		8-2-72	20.3450	20.8536	RI71-1142.
	do	359	27	El Paso Natural Gas Co. (Winkler Field (Walton Plant), Winkler County, Tex., Permian Basin).	75,970	5-15-72		8-2-72	[5] 19.2458	[6] 19.7523	RI71-1142.
	do	363	22	El Paso Natural Gas Co. (Tunstill Field (Tunstill Plant) Reeves County, Tex., Permian Basin).	19,836	5-15-72		8-2-72	18.3105	18.8191	RI71-1142.
	do	47	16	El Paso Natural Gas Co. and and Pecos Co. (Jack Herbert Field, Upton Company, Tex., Permian Basin).	560	5-17-72		8-2-72	18.8191	19.3278	RI71-1142.
RI72-266	Oil Resources, Inc.	1	[8] 3	Grand Valley Transmission Co. (Westwater Field, Grand County, Utah).		5-9-72	6-9-72	[22] Accepted			
	do		4	do	79,028	5-9-72		7-10-72	[24] 13.0	[7] [24] 17.0	
RI72-197	Skelly Oil Co	49	[8] 6	Kansas-Nebraska Natural Gas Co., Inc. (Big Springs Field, Deuel County, Nebr.).		5-11-72	5-3-72	[23] Accepted			RI72-197.
RI72-197	do		7	do	(1,151)	5-11-72		5-3-72	[9] 19.61	18.1980	RI72-197.
RI72-267	do	248	3	El Paso Natural Gas Co. (acreage in Terrell County, Tex., Permian Basin).	58	5-11-72		11-11-72	16.5	26.85	RI71-940.
RI72-268	Northwest Production Corp.	1	83	El Paso Natural Gas Co. (San Juan Basin Area of New Mexico and Colorado).	20,399	5-10-72		11-10-72	[10] [24] 21.33	[11] [12] [24] 22.0	RI72-234.
										28.0	
	do			do	27	5-10-72		11-10-72	[10] [24] 21.33	[11] [12] [24] 22.0	RI72-234.
										28.0	
	do	1	83	El Paso Natural Gas Co., (San Juan Basin Area of New Mexico and Colorado).	5,284	5-10-72		11-10-72	[13] [24] 20.075	[11] [24] 22.0	RI72-234.
										[12] [13] [24] 28.0	
	do			do	[16]	5-10-72		11-10-72	[13] [24] 20.075	[11] [24] 22.0	RI72-234.
										[12] [13] [24] 28.0	
RI72-269	LVO Corp	34	[17] 2	El Paso Natural Gas Co. (San Juan Basin Area of New Mexico).		5-11-72	6-11-72	[22] Accepted			
			3	do	717	5-11-72		11-11-72	[24] 15.0	[24] 22.0	RI70-219.
RI72-270	R & G Drilling Co	5	[17] 7	do		4-24-72	5-25-72	[22] Accepted			
			8	do	13,000	5-15-72		11-15-72	[24] 15.0	[24] 28.0	RI72-64.
RI72-271	Gulf Oil Corp	205	9	Phillips Petroleum Co. (Fradean Field, Upton County, Tex., Permian Basin).	1,100	5-18-72		8-2-72	16.75	[18] 17.25	RI72-73.
RI72-220	Belco Petroleum Corp	12	[19] 1-4	El Paso Natural Gas Co. (San Juan Basin Area of New Mexico).	14,660	5-22-72		[21] 5-31-72	[24] 14.0	[20] [24] 21.33	RI70-767.

See footnotes on next page.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
1 No sales at present.
2 Not applicable to sales under supplement No. 12.
3 Includes 1 cent per Mcf deduction for quality.
4 Includes reduction of 1 cent per Mcf for quality.
5 Includes 1 cent per Mcf deduction for treating. Previously reported as 20.2586 cents per Mcf exclusive of treating charge.
6 Contract amendment.
7 19-cent base rate less 2-cent charge by buyer for 2 stage compression.
8 Contract amendment.
9 Previously reported as 21.956 cents at 16.4 p.s.i.a.
10 New Mexico production.
11 For wells completed prior to June 1, 1970.
12 For wells completed on or after June 1, 1970.
13 Colorado production.
14 No production at present.
15 Increase from fractured renegotiated rate to total renegotiated rates.
16 Not used.
17 Contract amendment.
18 Based on buyer's resale rate which is contractually due on Aug. 1, 1972. Gulf is also to receive a pro rata share of the buyer's tax reimbursement, the amount is not known.
19 Substitute filing fracturing renegotiated rate increase to 22 cents in order not to exceed rate limit for 1-day suspension.
20 Increase to 22 cents currently suspended in Docket No. RI72-220.
21 61 days from filing date of original rate change filing.
22 Accepted to be effective on the dates shown in the "Effective Date" column.
23 Accepted to be effective on the dates shown in the "Effective Date" column with waiver of notice granted.
24 The pressure base is 15.025 p.s.i.a.

The proposed increase of Belco Petroleum Corp. under supplements Nos. 1 to 4 to its FPC Gas Rate Schedule No. 12 is a substitute filing wherein applicant proposes to substitute a fractured increase to 21.33 cents per Mcf in lieu of 22 cents per Mcf, in order to shorten the suspension period from 5 months, as provided in Docket No. RI72-220, to 1 day after the required 60-day notice period. Since the 60-day notice period of the original increase has not yet expired, the substitute rate change filing is permitted and the suspension period is reduced to 60 days from the date of filing of the original increase, as requested.

The proposed increase of Oil Resources, Inc., under supplement No. 4 to its FPC Gas Rate Schedule No. 1 and the decrease of Skelly Oil Co. under supplement No. 7 to its FPC Gas Rate Schedule No. 49 are for sales of gas in Utah and Nebraska, respectively. The Commission has previously used the 13 cents per Mcf increased ceiling rate of adjacent Colorado to determine the action to be taken on increases in this area. The proposed increase exceeds the Colorado increased rate ceiling but does not exceed the 1-day suspension ceiling and therefore it is suspended for 1 day. The proposed decrease is from a unilateral increase that was to be effective subject to refund in Docket No. RI72-197 on May 3, 1972, and is permitted to be filed subject to the same suspension period provided for the original unilateral rate increase.

The proposed increase by Gulf Oil Corp. is for a sale of old gas-well gas to Phillips Petroleum Co. in the Permian Basin Area of Texas. Phillips processes the gas in its Crane Plant and resells it to El Paso Natural Gas Co. Although Gulf's proposed rate is below the applicable area ceiling rate, it is contractually related to Phillips' resale rate which does exceed the applicable area ceiling rate. Gulf's proposed rate is therefore suspended for 1 day.

The proposed increases filed by Atlantic and Phillips do not exceed the corresponding rate filing limitation imposed in southern Louisiana and therefore are suspended for 1 day from the expiration of 60 days' notice or from the proposed effective date, whichever is later.

The other proposed increased rates involved here exceed the corresponding rate filing limitations imposed in southern Louisiana and therefore are suspended for 5 months.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1 day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate, and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-9143 Filed 6-19-72;8:45 am]

[Docket No. CS71-637 etc.]

PRUDENTIAL DRILLING CO. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 8, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-637 [1]	12- 6-71	Prudential Drilling Co. et al., 1880 Post Oak Tower Bldg., Houston, Tex. 77027.
CS72-190 [2]	4-18-72	Donald B. Anderson, 1700 Broadway, Denver, CO 80202.
CS72-1112	5-22-72	G. W. Hannett, Post Office Box 1849, Albuquerque, NM 87103.
CS72-1113	5-22-72	T. G. Cornish, Post Office Box 1849, Albuquerque, NM 87103.
CS72-1114	5-22-72	First National Bank in Albuquerque, trustee u/w of A. T. Hannett, deceased and u/a of Louise Westfall Hannett, 223 Central Ave. NW., Post Office Box 1305, Albuquerque, NM 87103.
CS72-1115	5-22-72	Noah A. Neely, 1041 Zuni Dr., Farmington, NM 87401.
CS72-1116	5-22-72	F. G. Holl et al., 6427 East Kellogg, Wichita, KS 67207.
CS72-1117	5-19-72	The 1971 Year End Ballard & Cordell Oil and Gas Program, 604 Johnson Bldg., Shreveport, LA 71101.
CS72-1118	5-22-72	The 1971 Ballard & Cordell Oil and Gas Program, 604 Johnson Bldg., Shreveport, La. 71101.
CS72-1119	5-19-72	The 1970-71 Ballard & Cordell Oil and Gas Program, 604 Johnson Bldg., Shreveport, La. 71101.
CS72-1120	5-25-72	Peninsula Exploration Co., 207 Palm Plaza North, 1801 South Staples, Corpus Christi, TX 78404.
CS72-1121	5-30-72	Simon Herold et al., 1006 Petroleum Tower, Shreveport, La. 71101.

Docket No.	Date filed	Name of applicant
CS72-1122..	5-25-72	Lionel R. Levinson, 823 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87101.
CS72-1123..	5-25-72	Malcolm L. Morrison, Post Office Box 1897, Las Vegas, NV 89101.
CS72-1124..	5-25-72	Bob J. Morrison, Post Office Box 1897, Las Vegas, NV 89101.
CS72-1125..	5-25-72	Continental Dynamics, Ltd., Post Office Box 1897, Las Vegas, NV 89101.
CS72-1126..	5-25-72	H. F. (Beck) Atkinson, Post Office Box 1897, Las Vegas, NV 89101.
CS72-1127..	5-26-72	John J. August et al., 1525 South Sepulveda Blvd., Los Angeles, CA 90025.
CS72-1128..	5-26-72	Z. M. McAfee, 100 Park Ave., Fifth Floor, Oklahoma City, OK 73102.
CS72-1129..	5-26-72	K. E. McAfee, 100 Park Ave., Fifth Floor, Oklahoma City, OK 73102.
CS72-1130..	5-23-72	The Ballard & Cordell Corp., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-1131..	5-30-72	Colonial Production Co., 1434 Westwood Blvd., Los Angeles, CA 90024.
CS72-1132..	5-30-72	Earl C. Brookover, 510 Oklahoma Natural Bldg., Tulsa, Okla. 74119.
CS72-1133..	5-30-72	Otis C. Coles, Jr., Post Office Box 12155, El Paso, TX 79912.
CS72-1134..	5-30-72	Millican Oil Co., Post Office Box 3496, Tyler, TX 75701.
CS72-1135..	5-30-72	R. B. Mitchell, 2801 First City National Bank Bldg., Houston, Tex. 77002.
CS72-1136..	5-25-72	J. H. Cordell, deceased and his heirs, Mrs. Lillian Moody Cordell, John H. Cordell III, and Mrs. Caroline Cordell Coleman, 604 Johnson Bldg., Shreveport, La. 71101.
CS72-1137..	6- 1-72	William A. Graham, 1410 First National Bank Bldg., Denver, Colo. 80202.

[1] Applicant proposes to amend its certificate to include additional interests.

[2] Applicant proposes to amend his certificate to include the interests of the Donald B. Anderson Trust, doing business as Anderson Oil Co. and Donald B. Anderson, Ltd.

[FR Doc.72-9159 Filed 6-19-72;8:45 am]

[Docket No. RP72-137 etc.]

ARKANSAS LOUISIANA GAS CO.

Notice of Proposed Changes in Rates and Charges

JUNE 13, 1972.

Take notice that on May 30, 1972, Arkansas Louisiana Gas Co. (Ark-La) tendered for filing three proposed changes in its FPC Gas Tariff, Original Volume No. 3, to be effective July 1, 1972 (Dockets Nos. RP72-137, RP72-138, RP72-139). Each change in rate is tendered to track the 2 percent increase in the Oklahoma gross production tax which became effective as of May 1, 1971, and covers field sales made in Major County, Okla.

The change in Rate Schedule XFS-33, Docket No. RP72-137, increases billings thereunder by $2,100 per year, based on sales made during the 12-month period ended December 31, 1971. The change in Rate Schedule No. XFS-20, Docket No. RP72-138, increases such billings by $375, and that under Rate Schedule No. XFS-32, by $2,800.

Copies of the tenders have been served upon the contractual customers involved—Oklahoma Natural Gas Gathering Corp., Pioneer Gas Products Co. and Elcor Chemical Corp.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9188 Filed 6-19-72;8:49 am]

[Docket No. E-7738]

BOSTON EDISON CO.

Notice of Proposed Changes in Rates and Charges

JUNE 13, 1972.

Take notice that Boston Edison Co. (Edison) on June 2, 1972, tendered for filing supplements to its FPC Rate Schedules 45 through 51. The proposed rate changes would increase Edison's annual revenues from jurisdictional sales and service by $9,080,894 based on calendar year 1971. The proposed effective date for the foregoing supplements is August 1, 1972.

In support of its filing, Edison states that the purpose of the new rate schedule is solely to increase Edison's revenues from its all requirements wholesale for resale service. Further, Edison states that these schedules were tendered in accordance with paragraph A of Exhibit A of its general service for resale rate schedule which provides that amendments to Exhibit B may be made by filing it with this Commission and by furnishing an appropriate statement of such amendment to the customer.

Copies of this filing were served on Edison's Rate S-2 customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9243 Filed 6-19-72;8:49 am]

[Docket No. E-7735]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Changes in Rates

JUNE 13, 1972.

Take notice that on May 22, 1972, Delmarva Power & Light Co. filed in Docket No. E-7735 a proposed Supplement No. 1 to its FPC Rate Schedule No. 35 for wholesale electric service to the city of Dover, Del. The proposed change would result in increased charges to Dover of approximately $188,614 based on the 12-month period ending April 1972. Delmarva requests the proposed rate increase be made effective July 1, 1972.

Delmarva states the proposed new rate is identical to the rate approved for Delmarva's other wholesale customers by Commission order issued on May 2, 1972, in Docket No. E-7560. Delmarva states that all necessary information required to be filed in connection with the proposed change in rates was submitted in the proceeding in Docket No. E-7560, and the company therefore requests waiver of the filing requirements of § 35.13(b) (4) and (5) of the Commission's regulations under the Federal Power Act.

A copy of the subject rate increase application was served by the company on the city of Dover.

Any person desiring to be heard with reference to Delmarva's proposed rate change in this docket should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions should be filed on or before June 26, 1972. Each protest filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestant a party to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene in accordance with the Commission's rules. Delmarva's rate increase application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9244 Filed 6-19-72;8:49 am]

[Docket No. CP72-270, CI72-751]

EL PASO NATURAL GAS CO. AND BIXCO, INC.

Notice of Application

JUNE 12, 1972.

Take notice that on May 22, 1972, El Paso Natural Gas Co. (El Paso), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP72-270, and Bixco, Inc. (Bixco), 411 North Central Avenue, Phoenix, AZ 85004, filed in Docket No. CI72-751 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of

natural gas, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Bixco states that it is a subsidiary of Arizona Public Service Co. (APS) and that it was formed with the hope that it might be able to bring new supplies of natural gas into the central part of Arizona for use in the APS distribution system. Bixco seeks authorization for the sale of natural gas to El Paso for resale so that it can utilize El Paso's facilities to accomplish this objective. Bixco indicates that it is presently a producer of natural gas in the Scoober Creek area of east Texas. In order to obtain a supply of natural gas in west Texas where a sale to El Paso would be feasible, Bixco has entered into an exchange agreement with Forest Oil Corp. (Forest), which provides that Bixco will deliver up to 18,000 Mcf of gas daily in east Texas to Forest and, in exchange therefor and for a consideration of 5 cents per Mcf of gas as an exchange fee, Forest will deliver to Bixco, or its designee, in Pecos County, Tex., a quantity of gas containing the equivalent heating value of the gas delivered to Forest in east Texas. Under an agreement entered into between Bixco, El Paso, and APS on May 5, 1972, Bixco will sell to El Paso at a central delivery point located in the Gomez Field area of Pecos County, Tex., all of the natural gas to which it is entitled at said point from Forest at a price of 30 cents per Mcf of gas. El Paso states that the gas so purchased will be injected into its looped 16-inch and 24-inch Gomez supply lateral pipeline and transported to its Waha Treating plant in Reeves County, Tex., where such gas will be processed to pipeline quality.

Pursuant to the aforementioned agreement El Paso seeks authorization for the sale and delivery of certain additional quantities of natural gas to APS and the construction and operation of certain natural gas facilities that will make the purchase from Bixco and the resultant sale to APS possible. El Paso states that APS is entitled under the agreement to request that it make available for sale and delivery to APS at one or more Phoenix, Ariz., delivery points, on any day, an aggregate quantity of gas containing up to 80 percent of the heating value of the residue gas attributable to the Bixco gas received by El Paso on that day. El Paso further states that upon its determination that it has sufficient unused capacity in its existing Southern Division mainline system to sell and deliver on such day the quantity of gas requested by APS in the Phoenix, Ariz., area while contemporaneously satisfying the natural gas requirements on that day of all customers served by this system, up to the gas supply otherwise available to these customers, it shall sell and deliver to APS in the Phoenix area as much of the quantity of gas requested by APS under the agreement as such available capacity will permit. El Paso indicates that the quantity of residue gas available at the Waha plant outlet attributable to the Bixco supply not delivered to APS will be utilized to supplement and augment El Paso's supply made available to all customers served by its Southern Division system. El Paso states that the quantities of natural gas sold and delivered to APS under this agreement will be used for both resale and generation of power as the need therefor exists to replace the highest priority service being curtailed by APS in accordance with priorities established by the Arizona Corporation Commission.

El Paso states that the gas delivered under this proposed sale to APS for resale to residential consumers will be billed and paid for at a rate identical to the rate in effect and being collected from time to time under Rate Schedule A–1, or superseding rate schedule (or rate for comparable service) of its FPC Gas Tariff, Original Volume No. 1, or superseding tariff. El Paso further states that all other quantities of gas delivered under the agreement will be billed and paid for at a rate identical to the rate in effect and being collected from time to time under Rate Schedule B–1, or superseding rate schedule (or rate for comparable service) of its FPC Gas Tariff, Original Volume No. 1, or superseding tariff.

El Paso asserts that 4,800 feet of 8⅝-inch pipeline and a dual 6-inch orifice measuring station will be necessary to accomplish the purchase from Bixco. El Paso states that Bixco will reimburse it for the estimated $52,000 cost of the pipeline, which will be installed, constructed, owned, and operated by El Paso. El Paso states that it will construct, own and operate the metering station which is estimated to cost $17,000.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearings therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–9245 Filed 6–19–72;8:49 am]

[Docket No. RP72–134]

EASTERN SHORE NATURAL GAS CO.

Notice of Proposed Change in Rates and Charges

JUNE 12, 1972.

Take notice that on May 31, 1972, Eastern Shore Natural Gas Co. (Eastern Shore) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective July 1, 1972. The proposed rate changes would increase charges for jurisdictional services by approximately $130,000 annually based on operations for the 12-month period ended December 31, 1971. The Company requests waiver of § 154.63(e)(2) to permit the instant filing.

Eastern Shore states that the reason for proposed increase in rates is to recoup the increased costs that it is incurring in operating and maintaining its pipeline system. The rates reflected in the filing are stated to realize an overall rate of return of 8.25 percent. The tendered tariff sheets also contain a purchased gas adjustment clause.

Copies of the tender were served by the Company on its customers and interested State commissions.

Any person desiring to be heard with reference to Eastern Shore's proposed rate changes in this docket should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions should be filed on or before June 21, 1972. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene in accordance with the Commission's rules. Eastern Shore's rate increase application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–9246 Filed 6–19–72;8:50 am]

EL PASO NATURAL GAS CO.

Order Amending Order Permitting Tracking of Supplier Rate Increases and Allowing Proposed Tariff Sheet To Become Effective; Correction

JUNE 8, 1972.

In the order amending order permitting tracking of supplier rate increases and allowing proposed revised tariff sheet to become effective, issued May 16, 1972, and published in the FEDERAL REGISTER May 26, 1972 (37 F.R. 10681): Footnote 2, Change "Third Revised Volume No. 1" to "First Revised Volume No. 3". Paragraph (2) and Paragraph (C)—Change "Third Revised Volume No. 1" to "First Revised Volume No. 3".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9255 Filed 6-19-72;8:50 am]

[Docket No. CI72-812]

LONE STAR PRODUCING CO.

Notice of Petition for Waiver of Regulations or Other Relief

JUNE 14, 1972.

Take notice that by letter filed June 5, 1972, Lone Star Producing Co. (petitioner), 301 South Harwood Street, Dallas, TX 75201, a large producer of natural gas sold in interstate commerce, requests that the Commission accept the statement of facts in said letter in lieu of a certificate application filed pursuant to section 7(c) of the Natural Gas Act and a related rate schedule or that the Commission waive in part § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40) to permit Sarkeys, Inc., small producer certificate holder in Docket No. CS71-999, to sell under the small producer certificate the 18.75 percent interest of petitioner in Calkins Unit Well, Dewey County, Okla.

Section 157.40, in part, defines "small producer sales" as those of all interests under a small producer's contract if producers not qualifying as small producers have interests which in the aggregate are no greater than 12.5 percent (18 CFR 157.40(a)(3)(ii)). Petitioner states that sales from its 18.75 percent interest in the Calkins Unit Well were made by Sarkeys, Inc., the unit operator and certificate holder in Docket No. CI63-877, pursuant to the latter's FPC Gas Rate Schedule No. 1 prior to the termination of said certificate and cancellation of said rate schedule concurrently with the issuance of the small producer certificate in Docket No. CS71-999. Petitioner states further that assuming the production of gas during the ensuing 12-month period at the same level as during the past 12-month period and payment for it at the contract price of 19.515 cents per Mcf, the total gross revenue from Petitioner's 18.75 percent interest would be approximately $1,596. Accordingly, petitioner submits, the sale does not warrant the expense to petitioner and administrative burden on the Commission which would result from the filing of a certificate application and rate schedule; and petitioner requests that its letter be accepted in lieu of an application and rate schedule. In the alternative, petitioner requests that Sarkeys, Inc,. be permitted to sell gas from petitioner's 18.75 percent interest under the latter's small producer certificate.

The subject letter is being construed as a petition for relief or for waiver of Commission regulations under paragraphs (a) and (b) of § 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7(a) and (b)). Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than July 7, 1972, views and comments in writing concerning the petition for relief or for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9247 Filed 6-19-72;8:50 am]

[Docket No. CP72-268]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JUNE 14, 1972.

Take notice that on May 22, 1972, Montana-Dakota Utilities Co., 400 North Fourth Street, Bismarck, ND 58501, filed in Docket No. CP72-268 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of the following facilities:

1. Approximately 27.14 miles of 6⅝-inch natural gas transmission line from the Liscom Creek Field, Custer County, Mont., to its existing Worland, Wyo., to Cabin Creek, Mont., transmission line;

2. A field gathering system for an estimated eight wells in the Liscom Creek Field;

3. Metering facilities for an estimated eight wells in the Liscom Creek Field;

4. A 250 h.p. field gathering system compressor in the Liscom Creek Field; and

5. A natural gas dehydration system in the Liscom Creek Field.

Applicant states that the purpose of the facilities proposed herein is to connect a new source of gas supply to its integrated system. The estimated cost of the facilities proposed herein is $814,500, which cost applicant states will be financed by internally generated funds and/or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review or the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9248 Filed 6-19-72;8:50 am]

[Docket No. CP68-94, etc.]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

JUNE 13, 1972.

Take notice that on May 30, 1972, Panhandle Eastern Pipe Line Co. (petitioner), Post Office Box 1642, Houston, TX 77001, filed in Dockets Nos. CP68-94, CP 70-184, and CP71-73 a petition to amend the orders of the Commission heretofore issued in said dockets on December 20, 1967 (38 FPC 1205), June 16, 1970 (43 FPC 891) and May 20, 1971 (45 FPC ———), respectively, pursuant to section 7(c) of the Natural Gas Act by authorizing an increase in the total reservoir gas content in the Galesville Formation of its Waverly, Ill., underground storage field, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Under the orders issued by the Commission in the subject dockets, applicant was authorized, inter alia, to maintain a total reservoir gas content of 17,500,000 Mcf in the Galesville Formation of its Waverly, Ill., underground gas storage reservoir. Applicant presently requests that the total authorized reservoir content be increased to 25 million Mcf of gas. Applicant states that subsequent

injection-withdrawal cycles have indicated that a further increase in total reservoir gas content is feasible and that the short-fall in flowing gas occurring on its system at certain times during the 1970–71 and 1971–72 heating seasons has underscored the need and desirability of such an increase. Applicant indicates that the additional reservoir capacity represented by the instant proposed increase will assist it in meeting its heating season requirements in the 1972–73 and ensuing heating seasons by providing a larger reserve base to support the demand being placed on its working storage volume. Petitioner states that although existing daily delivery capabilities will remain essentially the same, such increased gas content will assist it in meeting the demands of its customers through the utilization of the storage gas volumes over a longer period of time during the heating seasons, thereby increasing the reliability of service on its system.

Applicant states that no new facilities will be necessary to effectuate the increase in reservoir content.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9249 Filed 6-19-72;8:50 am]

[Project 2149]

PUBLIC UTILITY DISTRICT NO. 1, DOUGLAS CO., WASH.

Order Providing for Hearing and Setting Dates

JUNE 13, 1972.

On July 12, 1962, a license was issued to Public Utility District No. 1 of Douglas County, Wash. (licensee), authorizing construction of the Wells Project No. 2149 (28 FPC 128). By Commission order issued September 18, 1962, that license was amended as to the provisions relating to the mitigation of losses to fish and wildlife resources which may result from project construction, alteration or operation (28 FPC 492). Pertinent articles of the license as amended read as follows:

Article 41. The licensee shall construct, maintain, and operate such protective devices and shall provide such measures and facilities for mitigating losses to fish and wildlife resources as may result from project construction, alteration, or operation and shall comply with such reasonable modifications of the project structures and operation in the interest of fish and wildlife resources: *Provided,* That such modifications shall be reasonably consistent with the primary purpose of the project, as may be prescribed hereafter by the Commission upon its own motion or upon recommendation of the Secretary of the Interior or the Washington State Departments of Fisheries and Game after notice and opportunity for hearing and upon a finding that such modifications are necessary and desirable and consistent with the provisions of the Act: *Provided further,* That subsequent to approval of the final design drawing prior to commencement of construction no modifications of project structures in the interest of fish and wildlife resources which involve a change in the location, height or main structure of the dam, or the addition of or changes in outlets at or through a dam or a major change in generating units, or a rearrangement or relocation of a powerhouse, or major changes in a spillway structure shall be required.

Article 43. The licensee shall upon written request of the Commission make available to the Secretary of the Interior and the Washington State Departments of Fisheries and Game funds not to exceed a total of $139,500 for the purpose of making investigations to determine the measures required for preventing and mitigating losses to fish and wildlife which may result from project construction or alteration and for making post flooding investigations to determine the effects of actual project construction on fish and wildlife. The licensee shall make available such additional funds as may be agreed upon by the licensee, the Secretary of the Interior and the Washington Departments of Fisheries and game, in the event the project is delayed by amendment of the license extending the date of completion. In the event the licensee and the agencies herein named fail to reach agreement on the amount of funds, if any, to be made available by the licensee in addition to the $139,500 herein provided, the Commission may, after notice and opportunity for hearing, determine the amount, if any, the licensee shall pay to reimburse the agencies named herein on account of delay of the completion of the project: *Provided, however,* That the licensee shall not be responsible for any costs of any studies conducted after 5 years following the date of impoundment of the project waters.

On June 7, 1971, the Washington State Department of Game (Game) filed its petition for hearing, on the issues of the extent of loss of fish and wildlife due to construction and operation of the project, and measures to be required to mitigate losses in accordance with Articles 41 and 43 of the license for Project No. 2149.

On June 25, 1971, licensee filed its summary report on wildlife mitigation proposals, and on July 19, 1971, filed its answer to the petition for hearing. In its answer, licensee agrees that as a result of negotiations between the parties facilities have been constructed, operated, and maintained by licensee to replace losses of whitefish, rainbow trout, and steelhead trout, but that no final agreement had been executed between the parties. Additionally, licensee made numerous allegations of affirmative defense and prayed that licensee's proposed measures for mitigation for game fish loss attached to the answer be approved, that licensee's summary report of wildlife mitigation proposal be considered, that licensee's program and action mitigating loss of wildlife within the Wells Reservoir area be approved as in accordance with Articles 41 and 43 of the license, and that the request for hearing be denied.

On July 30, 1971, Game filed its motion for prehearing conference stating that it believed that such a conference would possibly lead to settlement of some or all of the issues involved in the proceeding. Thereafter in lieu of a prehearing conference the licensee and Game continued negotiation.

On January 12, 1972, licensee filed its Addendum No. 1 to Analysis of Wells Wildlife studies.

On March 21, 1972, Game renewed its petition for hearing, stating that tentative agreement has been reached regarding necessary game fish mitigation measures, that is anticipated that a final formal agreement will be executed making a hearing those issues unnecessary. Further, Game stated that no agreement has been reached regarding the remaining allegations contained in the petition for hearing and none was anticipated. It is noted that as of this date no agreement on game fish mitigation measures has been filed with this Commission.

We are of the view that a hearing should be held for the purpose of determining the extent of wildlife losses and the appropriate measures if any, that should be taken to mitigate losses. To that end, the testimony and exhibits of all participants should be limited to wildlife losses directly attributable to the construction of Wells Project No. 2149, the most practical and effective method of mitigation of such losses, and any mitigation which has already taken place.

Since the subject of this hearing is mitigation of losses of wildlife and possibly fish, which have occured and mitigation measures, if any, to be taken, it is impossible to determine whether any action will be taken which could constitute a major Federal action under the provisions of the National Environmental Policy Act. If it becomes clear that there will be a major Federal action, an environmental statement will be filed at that time.

We note that the licensee has filed reports on wildlife mitigation proposals; that Game stated in its March 21, 1972, motion that it would be prepared to file direct testimony and exhibits by March 31, 1972; and that negotiations on the subjects of this order have been underway for a considerable length of time. Therefore, we are setting June 26, 1972, as the date for filing of testimony and exhibits by Game and licensee, July 11, 1972, as the date for filing of testimony and exhibits by Commission staff, and July 25, 1972, as the date for the commencement of public hearings on this matter.

The Commission finds:

(1) It is necessary and proper in the public interest under the provisions of the Federal Power Act and the provisions

of the license granted for Wells Project No. 2149 that a hearing be held concerning the extent of any wildlife losses which have occurred as a result of the construction of Wells Project No. 2149, and the most appropriate measures to mitigate such losses, if any.

(2) In the event that the parties are unable to reach the contemplated agreement as to game fish losses and mitigation thereof, this proceeding may be enlarged to include the issue of the extent of fish losses and measures to mitigate those losses.

(3) Until such time as unmitigated loss is established and measures for mitigation are presented, it cannot be established whether action to be prescribed hereunder may constitute a major Federal action under the National Environmental Policy Act.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, the regulations under the Federal Power Act and the provisions of the license of Wells Project No. 2149, a public hearing shall be held commencing on July 25, 1972, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the establishment of wildlife losses directly attributable to the construction of Wells Project No. 2149, any mitigation thereof which has occurred and any mitigation thereof which is required.

(B) Previous thereto, on June 26, 1972, licensee and Game shall each file its written testimony and exhibits relating to the matters set for hearing herein. On July 11, 1972, Commission staff shall file its written testimony and exhibits.

(C) In the event that it is determined that additional action, if any, in mitigation of wildlife losses constitutes a major Federal action under the National Environmental Policy Act, an environmental impact statement will be filed.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-9250 Filed 6-19-72;8:50 am]

[Docket No. E-7739]

ROCKLAND ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

JUNE 14, 1972.

Take notice that Rockland Electric Co. on June 2, 1972, tendered for filing proposed changes in its FPC Electric Tariff.[1] The proposed changes would increase revenues from jurisdictional sales and service by $117,881 based on 1971 sales The proposed rate change is described in the company's transmittal letter as follows:

The provisions of the proposed tariff filed increase the rates for wholesale electric service rendered by Rockland Electric Co. to the Borough of Park Ridge to a level consistent with the level of rates requested by Rockland Electric for its retail customers in a rate proceeding presently pending before the New Jersey Board of Public Utility Commissioners. Rockland Electric has no other wholesale customer. Rockland Electric is presently serving the Borough of Park Ridge at a negative rate of return. The increased rates are proposed in order to provide Rockland Electric with increased revenues needed to meet its increased costs of purchased power and to permit the Company to earn a compensatory return upon its property devoted to serving Park Ridge.

Park Ridge is presently served under a contract with Rockland Electric which became effective December 2, 1966 and is on file with this Commission as Rockland Electric Co. Rate Schedule FPC No. 6. Under that contract Rockland Electric, at the close of the initial 5-year period of the contract, has the right to file and place in effect increased rates as Rockland Electric may deem necessary or appropriate to permit a just and reasonable return on its sales to Park Ridge (paragraph 4 of the contract).

The Company does not render comparable wholesale service to any other customers.

Initially, no new facilities are being installed, nor are existing facilities being modified, in order to supply the service to be furnished under the proposed tariff.

Rockland Electric Co. proposes to make the provisions of the enclosed tariff effective as of August 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street, NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-9251 Filed 6-19-72;8:50 am]

[Docket No. CP72-271]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 14, 1972.

Take notice that on May 30, 1972, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-271 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing August 7, 1972, and the operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its system supplies of natural gas in various producing areas generally coextensive with said system. Applicant states that the facilities to be constructed consist of lateral supply lines, taps, measuring stations, platforms and other miscellaneous gas supply facilities, both offshore and onshore, and such loop lines and compressing facilities as may be required for the transportation of increased volumes of gas through supply facilities.

Applicant requests a waiver of the provisions of § 157.7(b)(1) of the Commission's regulations providing for cost limitations on facilities constructed thereunder. Applicant requests that it be authorized to construct gas purchase facilities under the budget-type certificate requested herein having a total cost of $10 million with no single offshore project to exceed $2,500,000 and no single onshore project to exceed $1 million. Applicant states that a waiver is justified because a majority of the facilities to be installed under the authorization sought by this application will be in deep water, up to depths of 320 feet. Applicant states that this will substantially increase the cost of constructing the facilities and, because of weather, will severely limit the time periods during which construction can be safely undertaken. If the request for a waiver is denied, applicant requests that the Commission issue to it a budget-type certificate under which the total cost of all facilities shall not exceed $7 million with no single offshore project to exceed $1,750,000 and no single onshore project to exceed $1 million. Applicant states that the cost of the proposed facilities will be financed from cash on hand or moneys available from current operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

[1] Rockland Electric Co. Rate Schedule FPC No. 7 (Supersedes FPC No. 6).

Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9252 Filed 6-19-72;8:50 am]

[Project 2561]

SHO-ME POWER CORP.

Notice of Availability of Environmental Statement for Inspection

JUNE 13, 1972.

Notice is hereby given that on June 12, 1972, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for major license filed pursuant to the Federal Power Act for constructed Niangua Project No. 2561.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

This statement discusses the environmental impact of Niangua Hydro Project located in Camden County, Mo. The project consists of a dam with concrete gravity overflow section, a rock and earth-fill section and a rock-filled crib section; a reservoir with a gross capacity of 2,650 acre feet; a concrete-lined tunnel; a powerhouse with two 1,500 kw. units; an outdoor substation; access area for public fishing and boating and; appurtenant facilities.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from June 12, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9254 Filed 6-19-72;8:50 am]

[Docket No. CP72-269]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

JUNE 12, 1972.

Take notice that May 22, 1972, South Georgia Natural Gas Co. (applicant), Post Office Box 1279, Thomasville, GA 31792, filed in Docket No. CP72-269 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas sales and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate five segments of 6.625-inch loop line along its existing 12.75-inch pipeline while existing segments of that line are being tested under the requirements of the regulations under the Natural Gas Pipeline Safety Act of 1968. Applicant states that the total length of the loop line segments proposed is 2.264 miles, which is comprised of 0.132 mile of loop line for Segment No. 1 in Lee County, Ala.; 0.152-mile for Segment No. 2 in Russell County, Ala.; and 0.378-mile for Segment No. 4, 1.374-mile for Segment No. 6, and 0.228-mile for Segment No. 8, all in Dougherty County, Ga. Applicant proposes to leave these loop lines in service after it returns to operation the replaced segments of the 12.75-inch pipeline.

Applicant also seeks a budget-type certificate pursuant to § 157.7(c) of the regulations under the Natural Gas Act authorizing it to construct, during the 12-month period commencing July 1, 1972, and operate certain natural gas sales and transportation facilities which represent miscellaneous rearrangements of existing facilities. Applicant states that the proposed rearrangements are necessary under the requirements of the Natural Gas Pipeline Safety Act of 1968.

Applicant states that the cost of all facilities proposed will not exceed $300,000, and the cost of the known facilities is estimated at $184,210. Applicant states that the cost of the proposed facilities will be financed from cash on hand or monies available from current operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this appplication if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9253 Filed 6-19-72;8:50 am]

[Docket No. CS71-179]

HERMAN GEO. KAISER ET AL.

Notice of Petition for Waiver of Regulations; Correction

MARCH 2, 1972.

In the notice of petition for waiver of regulations, issued February 15, 1972, and published in the FEDERAL REGISTER, February 24, 1972 (37 F.R. 3928), the following changes should be made:

1. Amerada Hess Corp. FPC Gas Rate Schedule No. 92: Change location of L. M. Lamm Unit "A" from "Wyoming" to "Oklahoma".

2. Amerada Hess Corp. FPC Gas Rate Schedule No. 103: Change location of F. W. Zaloudek Unit from "Kansas" to "Oklahoma".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9257 Filed 6-19-72;8:51 am]

[Docket No. CP72-191]

UNITED GAS PIPE LINE CO.

Notice of Application; Correction

MARCH 2, 1972.

In the notice of application, issued February 15, 1972, and published in the FEDERAL REGISTER, February 23, 1972 (37

F.R. 3842), the following changes should be made:

1. Paragraph (4) line 30: Delete "and".

2. Paragraph (5) line 33: After "Texas" delete period and add "; and".

3. Add to end of second paragraph "6. Service to Mobil Oil Corp., related measuring and regulating facilities and 17 feet of 2⅜-inch pipeline in Dallas County, Tex."

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9258 Filed 6-19-72;8:51 am]

[Project 2687]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Change in Land Rights

JUNE 15, 1972.

Public notice is hereby given that application for approval of a change in land rights has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Co. (correspondence to Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas and Electric Co., 77 Beale Street, San Francisco, CA 94106), in Project No. 2687, known as Pit 1, located on the Tule, Little Tule, Fall, and Pit Rivers, near the communities of Fall River Mills, Glenburn, and McArthur, Calif. The project land to be conveyed is in the county of Shasta.

The application seeks Commission approval of a proposed transfer to Shasta County of land lying within the project boundary in section 26, T. 37 N., R. 4 E., M.D.B. & M. This land would be included in a parcel of nonproject property also being transferred. The total area involved is approximately 20.75 acres. The county wishes to construct a corporation yard and street maintenance station on the land.

The project land (a 40-foot right-of-way) is presently used for telephone and signal lines to Pit 1 forebay. The applicant is willing to make the transfer and the proposed deed retains use of the land for project purposes. A covenant is also included pursuant to paragraph (C) of Commission Order No. 313.

Any person desiring to be heard or to make protest with reference to said application should on or before July 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9291 Filed 6-19-72;8:51 am]

[Docket No. E-7618; Projects Nos. 67, 120]

SOUTHERN CALIFORNIA EDISON CO.

Order Consolidating Cases for Discovery Purposes Only

JUNE 12, 1972.

Docket No. E-7618 is a rate increase proceeding under section 205 of the Federal Power Act, and Projects Nos. 67 and 120 are constructed project relicensing matters under Part I of the Act, in each of which the cities of Anaheim, Riverside, and Banning have intervened and raised, inter alia, similar or identical questions under the antitrust laws. Since the allegations concerning antitrust violations are the same in all three cases, one discovery proceeding will afford the parties sufficient opportunity to obtain the materials necessary for the preparation of their cases. This will also prevent any later delay which might arise in one of the licensing cases where a party would request additional time for discovery. Thus, a limited consolidation for discovery purposes on antitrust issues only will serve the purpose of expedition, and avoid needless duplication of time and effort, as well as additional expense.

Moreover, this order should not be construed as prejudicing the rights of any party to further discovery of any new evidence which would arise after the discovery proceeding prescribed herein and during the pendency of the rate and licensing proceedings. Newly discovered evidence will be allowed for good cause shown.

The Commission finds:

It is necessary and proper in the public interest that the Commission, sua sponte and pursuant to § 1.20(b) of its rules of practice and procedure, order that the proceedings in Docket No. E-7618 and Projects Nos. 67 and 120 be consolidated for the limited purpose of discovery on antitrust issues and that all parties to any or all of such dockets shall complete their discovery and taking of depositions, as to the antitrust issues involved, within the confines of such consolidated discovery.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act the Commission rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held commencing June 27, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 in order to establish appropriate procedures and schedules for the completion of discovery on antitrust issues and/or the taking of depositions among the various parties involved in Docket No. E-7618 and Projects Nos. 67 and 120.

(B) A Presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing pursuant to the Commission's rules of practice and procedure.

[1] Commissioner Brooke dissenting, joined by Commissioner Carver, filed a separate statement which is filed as part of the original document.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9292 Filed 6-19-72;8:51 am]

[Docket No. CP72-262]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

JUNE 14, 1972.

Take notice that on May 19, 1972, Valley Gas Transmission, Inc. (applicant), Post Office Box 1188, Houston, TX 77001, filed in Docket No. CP72-262 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing June 1, 1972, and operation of certain natural gas facilities to enable applicant to take into its pipeline supplies of natural gas which will be purchased from producers in the general area of its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $250,000, and no individual project will cost more than $50,000. Applicant states that these costs will be financed from cash on hand or from short-term financing. Recognizing that the total estimated cost of the facilities herein requested exceeds two percent of its plant account, applicant requests that the Commission waive § 157.7 (b)(1) of its regulations with regard to this application. Applicant asserts that a limitation of budget authority to two percent of gas plant would effectively deny it an opportunity to connect new gas supplies except on an individual certificate basis.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file

a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9259 Filed 6-19-72;8:51 am]

FEDERAL RESERVE SYSTEM

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Proposed Acquisition of Richmond Finance Corp. and Hanover Mortgage Corp.

Virginia Commonwealth Bankshares, Inc., Richmond, Va., has filed separate applications pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 255.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Richmond Finance Corp. and Hanover Mortgage Corp., both of Richmond, Va. Notice of the applications was published on May 15, 1972, in the Richmond Times Dispatch, a newspaper circulated in Richmond, Va.

Applicant states that the proposed subsidiaries would engage in the activities of making loans or extensions of credit such as would be made by a finance company; making mortgage loans principally secured by junior liens on commercial, residential, and unimproved real estate; and acting as agent for credit life, accident, and health insurance arising out of business conducted. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposals can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why these matters should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 14, 1972.

Board of Governors of the Federal Reserve System, June 13, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-9204 Filed 6-19-72;8:46 am]

BANCSHARES OF NORTH CAROLINA, INC.

Proposed Acquisition of BNC Life Insurance Co.

Bancshares of North Carolina, Inc., Jacksonville, N.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of BNC Life Insurance Co., Phoenix, Ariz. Notice of the application was published on April 19, 1972, in The Daily News, a newspaper circulated in Jacksonville, N.C., and on April 26, 1972, in the Arizona Republic, a newspaper circulated in Phoenix, Ariz.

Applicant states that the proposed subsidiary would engage in the underwriting, as reinsurer, of credit life insurance and credit accident and health insurance issued in connection with loans made by applicant's credit granting subsidiaries.

Interested persons may express their views as to whether such activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto. In considering this application the Board will take into account the record of its March 24, 1972, hearing on six similar applications by other applicants involving the underwriting of credit life and health and accident insurance.

Interested persons may also express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on these matters should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why these matters should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 14, 1972.

Board of Governors of the Federal Reserve System, June 13, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-9205 Filed 6-19-72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5061]

SOUTHERN CO. AND SOUTHERN SERVICES, INC.

Proposed Issuance and Sale of Notes; Posteffective Amendment

JUNE 14, 1972.

Notice is hereby given that The Southern Co. (Southern), Perimeter Center East, Post Office Box 720071, Atlanta, GA 30346, a registered holding company, and its subsidiary service company, Southern Services, Inc. (Services), have filed with this Commission a post effective amendment and an amendment thereto to their declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(b), and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended by said post effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated September 17, 1971 (Holding Company Act Release No. 17276), the Commission authorized Services to issue and sell its unsecured promissory notes to Chemical Bank, New York City (Chemical), from time to time prior to July 1, 1972, in an aggregate amount not exceeding $7 million, the proceeds to be used to pay for computers and related equipment. It is stated that the estimate of expenditures for such equipment has increased by $3 million over the original estimate of $11 million. Services now proposes to increase the aggregate amount of its notes to Chemical Bank to $14 million, and to issue and sell such notes from time to time prior to July 1, 1973. The notes will bear interest, payable quarterly, for each day at an annual rate equal to 1.25 times the prime commercial rate of Chemical in effect on such day. The loan agreement between Services and Chemical Bank will be amended to provide for repayment of

the additional notes in 29 equal quarterly installments commencing on or before June 30, 1973, and payment of a commitment fee on the unused portion of the additional borrowing at the rate of one-half of 1 percent per annum. The notes will be prepayable at any time without premium; there is no compensating balance requirement. Southern proposes to guarantee the notes of Services as to principal and interest.

As previously represented, Services will at all times, unless the Commission shall otherwise expressly authorize, maintain the aggregate of the par value of its capital stock, surplus, and principal amount of its notes sold to Southern, at an amount equal to at least 35 percent of Services' total capitalization (Holding Company Act Release No. 17276). The fees and expenses to be paid by declarants in connection with the proposed amendment will be hereafter supplied.

Notice is further given that any interested person may, not later than June 29, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the posteffective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service by (affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9239 Filed 6-19-72;8:49 am]

[812-3146]

TRANSAMERICA CAPITAL FUND, INC.

Notice of Filing of Application

JUNE 14, 1972.

Notice is hereby given that Transamerica Capital Fund, Inc. (Applicant), 1150 South Olive Street, Los Angeles, CA 90015, an open-end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order exempting Ruth Kodani from the definition of "interested person" in section 2(a)(19) for the purposes of sections 10(a), 10(b)(2), and 15(c) of the Act as it applies to Applicant, to Transamerica Investment Management Co. (Manager) and to Transamerica Fund Sales, Inc. (Sales). All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is continuously engaged in the public offering of shares through Sales, its principal underwriter and a wholly owned subsidiary of Manager, which in turn is a wholly owned subsidiary of Transamerica Corp. (Transamerica). Manager is the investment advisor of Applicant and of Transamerica Capital Fund, Inc. (Capital). Applicant presently has a Board of Directors consisting of 11 persons of whom five are deemed "interested persons" of Applicant, as defined in section 2(a)(19)(A) of the Act. It is contemplated that one director, a person not deemed by Applicant to be an interested person of Applicant, Manager or Sales, will resign from the Board of Directors of Applicant. The Board is considering filling that vacancy by the appointment of Ruth Kodani.

Mrs. Kodani's husband is Hideo H. Kodani who is a general agent of Occidental Life Insurance Company of California (Occidental), a subsidiary of Transamerica. In addition, Mr. Kodani and the persons in his firm, H. H. Kodani, General Agent, are registered with the National Association of Securities Dealers, Inc. (the "NASD"), as representatives of Sales. Mr. and Mrs. Kodani own 133 shares of Capital and 20 shares and 24 shares, respectively, of Transamerica which is much less than 1 percent of the amount of the shares outstanding of each issue. Mr. Kodani has no authority over the operations of Sales and neither he nor any persons employed by him, or Sales, engage in portfolio transactions with or on behalf of Applicant. Mr. Kodani has advised Applicant that if Mrs. Kodani becomes a director of Applicant, he will terminate his registration with the NASD as a representative of Sales, and would become a registered representative of another securities firm which may act as a selling dealer for principal underwriters of open-end investment companies. Such firm may from time to time enter into selling agreements with Sales with respect to the sales of shares of Applicant or of Capital; however, Mr. Kodani has advised Applicant that he will not sell shares of Applicant or Capital or receive direct or override commissions from sales of such shares.

Section 10(b)(2) of the Act prohibits a registered investment company from using as a principal underwriter of its securities, among others, any person of which any officer, director, or employee of such company is an interested person, unless a majority of the Board of Directors of such company are not interested persons. Section 2(a)(19)(B) includes as an "interested" person of a principal underwriter, any affiliated person of such principal underwriter or any immediate family member of any such natural person. Section 2(a)(3) of the Act defines "affiliated person" to include persons directly or indirectly under common control with another person. Mr. Kodani is a general agent for Occidental, a subsidiary of Transamerica, and Sales is a wholly owned subsidiary of Manager, which is a subsidiary of Transamerica with seven of the nine members of its Board of Directors being directors, officers or employees of Transamerica or Occidental. Hence, it is arguable that Mr. Kodani and Sales are under common control of Occidental and/or Transamerica, thus making Mr. Kodani an affiliated person of Sales and Mrs. Kodani an interested person of Sales. By virtue of Mrs. Kodani's ownership of common stock of Transamerica and her possible interest in the shares of such stock owned by her husband, Mrs. Kodani may be deemed an interested person of Sales under section 2(a)(19)(B)(iii) of the Act. As a result, Applicant would be prohibited from using Sales as a principal underwriter of its securities if Mrs. Kodani is elected to Applicant's Board of Directors.

Section 15(c) of the Act requires that renewals of advisory agreements and principal underwriting agreements be approved by, among others, a vote of a majority of directors of a registered investment who are not parties to the contract or interested persons of any such party. It is arguable that Mrs. Kodani is an interested person of Sales under section 2(a)(19)(A)(iii) and (B)(iii) of the Act and of Manager under section 2(a)(19)(A)(iii) of the Act for the reasons set forth above. Because of Mr. Kodani's agency relationship with Occidental and because Applicant is managed by Manager, it can be further argued that Applicant and Mr. Kodani are directly or indirectly under common control of Transamerica or Applicant so that Mrs. Kodani is an interested person of Applicant under section 2(a)(19)(A)(ii) of the Act, thus making Applicant unable to renew its underwriting agreement with Sales or its investment advisory contract with Manager.

Section 10(a) of the Act provides that not more than 60 percent of the members of Applicant's Board of Directors may be interested persons of Applicant. After the appointment of Mrs. Kodani and assuming her to be an interested person of Applicant because Mr. Kodani is an affiliated person of Applicant or of Manager or Sales, five of the 11 directors of Applicant, or more than 40 percent, would not be deemed interested persons of Applicant. However, if Applicant's Board of Directors were reduced in the future, Mrs. Kodani's status would be

critical for purposes of section 10(a) of the Act.

Section 6(c) of the Act provides that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act or Rules or Regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant does not believe that the activities of Mr. Kodani as an agent for Occidental will create conflicts of interest on the part of Mrs. Kodani if she is made a director of Applicant. The amount of commission revenue generated by Mr. Kodani for the past 3 years as a representative of Sales has been de minimus both on an absolute basis and when compared with his commission revenue from the sales of life and other insurance for Occidental and its subsidiaries. Furthermore, with the termination of Mr. Kodani's registered representative status with Sales, Mrs. Kodani would not have a conflict of interest when considering the renewal of the underwriting agreement between Applicant and Sales. Since Mr. Kodani has no connections with Manager and is an independent contractor as to Occidental, Mrs. Kodani would not have a conflict of interest when considering the renewal of the advisory contract between Applicant and Manager. The Applicant also asserts that the number of shares of common stock of Transamerica owned by Mr. and Mrs. Kadani is so small that Mrs. Kadani, in considering renewals of advisory agreements or underwriting agreements would hardly be motivated by any gain to her or her husband in either the value of or dividends from such stock.

While Applicant does not feel that Ruth Kodani is an "interested person" as defined in section 2(a)(19) of the Investment Act of 1940, the Applicant is willing to assume, for purposes of this application, that she is an "interested person" of Applicant, Manager and Sales. Applicant is asking for an exemption pursuant to section 6(c) of the Act because Mr. Kodani's relationships with Occidental and Sales does not and will not inhibit Mrs. Kodani's independence or create an "interest" such as section 2(a)(19) was designed to reach, and that the requested exemption is, therefore, consistent with the interests of Applicant, Manager, Sales, and the public.

Notice is further given that any interested person may, not later than July 10, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereupon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9240 Filed 6-19-72;8:49 am]

[812-3145]

TRANSAMERICA INVESTORS FUND, INC.

Notice of Filing of Application

JUNE 14, 1972.

Notice is hereby given that Transamerica Investors Fund, Inc. (Applicant), 1150 South Olive Street, Los Angeles, CA 90015, an open-end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order exempting Ruth Kodani from the definition of "interested person" in section 2(a)(19) for the purposes of sections 10(a), 10(b)(2) and 15(c) of the Act as it applies to Applicant, to Transamerica Investment Management Co. (Manager) and to Transamerica Fund Sales, Inc. (Sales). All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is continuously engaged in the public offering of shares through Sales, its principal underwriter and a wholly owned subsidiary of Manager, which in turn is a wholly owned subsidiary of Transamerica Corp. (Transamerica). Manager is the investment advisor of Applicant and of Transamerica Capital Fund, Inc. (Capital). Applicant presently has a Board of Directors consisting of 11 persons of whom five are deemed "interested persons" of Applicant, as defined in section 2(a)(19)(A) of the Act. It is contemplated that one director, a person not deemed by Applicant to be an interested person of Applicant, Manager, or Sales will resign from the Board of Directors of Applicant. The Board is considering filling that vacancy by the appointment of Ruth Kodani.

Mrs. Kodani's husband is Hideo H. Kodani who is a general agent of Occidental Life Insurance Company of California (Occidental), a subsidiary of Transamerica. In addition, Mr. Kodani and the persons in his firm, H. H. Kodani, General Agent, are registered with the National Association of Securities Dealers, Inc. (the NASD), as representatives of Sales. Mr. and Mrs. Koldani own 113 shares of Capital and 20 shares and 24 shares, respectively, of Transamerica which is much less than 1 percent of the total amount of the shares outstanding. Mr. Kodani has no authority over the operations of Sales and neither he nor any persons employed by him, or Sales, engage in portfolio transactions with or on behalf of Applicant. Mr. Kodani has advised Applicant that if Mrs. Kodani becomes a director of Applicant, he will terminate his registration with the NASD as a representative of Sales, and would become a registered representative of another securities firm which may act as a selling dealer for principal underwriters of open-end investment companies. Such firm may from time to time enter into selling agreements with Sales with respect to the sales of shares of Applicant or of Capital; however, Mr. Kodani has advised Applicant that he will not sell shares of Applicant or Capital or receive direct or override commissions from sales of such shares.

Section 10(b)(2) of the Act prohibits a registered investment company from using as a principal underwriter of its securities, among others, any person of which any officer, director or employee of such company is an interested person, unless a majority of the Board of Directors of such company are not interested persons. Section 2(a)(19)(B) includes as an "interested" person of a principal underwriter, any affiliated person of such principal underwriter or any immediate family member of any such natural person. Section 2(a)(3) of the Act defines "affiliated person" to include persons directly or indirectly under common control with another person. Mr. Kodani is a general agent for Occidental, a subsidiary of Transamerica, and Sales is a wholly owned subsidiary of Manager, which is a subsidiary of Transamerica with seven of the nine members of its Board of Directors being directors, officers, or employees of Transamerica or Occidental. Hence, it is arguable that Mr. Kodani and Sales are under common control of Occidental and/or Transamerica, thus making Mr. Kodani an affiliated person of Sales and Mrs. Kodani an interested person of Sales. By virtue of Mrs. Kodani's ownership of common stock of Transamerica and her possible interest in the shares of such stock owned by her husband, Mrs. Kodani may be deemed an interested person of Sales under section 2(a)(19)(B)(iii) of the Act. As a result, Applicant would be prohibited from using Sales as a principal underwriter of its securities if Mrs. Kodani is elected to Applicant's Board of Directors.

Section 15(c) of the Act requires that renewals of advisory agreements and principal underwriting agreements be approved by, among others, a vote of a majority of directors of a registered investment who are not parties to the contract or interested persons of any such party. It is arguable that Mrs. Kodani is an interested person of Sales under sections 2(a)(19)(A)(iii) and 2(a)(19)(B)(iii) of the Act and of Manager under section 2(a)(19)(A)(iii) of the Act for the reasons set forth above. Because of Mr. Kodani's agency relationship with Occidental and because Applicant is managed by Manager, it can be further argued that Applicant and Mr. Kodani are directly or indirectly under common control of Transamerica or Applicant so that Mrs. Kodani is an interested person of Applicant under section 2(a)(19)(A)(ii) of the Act, thus making Applicant unable to renew its Underwriting Agreement with Sales or its investment advisory contract with Manager.

Section 10(a) of the Act provides that not more than 60 percent of the members of Applicant's Board of Directors may be interested persons of Applicant. After the appointment of Mrs. Kodani and assuming her to be an interested person of Applicant because Mr. Kodani is an affiliated person of Applicant or of Manager or Sales, five of the 11 directors of Applicant, or more than 40 percent, would not be deemed interested persons of Applicant. However, if Applicant's Board of Directors were reduced in the future, Mrs. Kodani's status would be critical for purposes of section 10(a) of the Act.

Section 6(c) of the Act provides that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act or rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant does not believe that the activities of Mr. Kodani as an agent for Occidental will create conflicts of interest on the part of Mrs. Kodani if she is made a director of Applicant. The amount of commission revenue generated by Mr. Kodani for the past 3 years as a representative of Sales has been de minimus both on an absolute basis and when compared with his commission revenue from the sales of life and other insurance for Occidental and its subsidiaries. Furthermore, with the termination of Mr. Kodani's registered representative status with Sales, Mrs. Kodani would not have a conflict of interest when considering the renewal of the underwriting agreement between Applicant and Sales. Since Mr. Kodani has no connections with Manager and is an independent contractor as to Occidental, Mrs. Kodani would not have a conflict of interest when considering the renewal of the advisory contract between Applicant and Manager. The Applicant also asserts that the number of shares of common stock of Transamerica owned by Mr. and Mrs. Kodani is so small that Mrs. Kodani, in considering renewals of advisory agreements or underwriting agreements would hardly be motivated by any gain to her or her husband in either the value of or dividends from such stock.

While Applicant does not feel that Ruth Kodani is an "interested person" as defined in section 2(a)(19) of the Investment Act of 1940, the applicant is willing to assume, for purposes of this application, that she is an "interested person" of Applicant, Manager, and Sales. Applicant is asking for an exemption pursuant to section 6(c) of the Act because Mr. Kodani's relationships with Occidental and Sales does not and will not inhibit Mrs. Kodani's independence or create an "interest" such as section 2(a)(19) was designed to reach, and that the requested exemption is, therefore, consistent with the interests of Applicant, Manager, Sales, and the public.

Notice is further given that any interested person may, not later than July 10, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereupon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9241 Filed 6-19-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

NORTHWESTERN INVESTMENT CO.

Notice of Surrender of License of Small Business Investment Company

Notice is hereby given that Northwestern Investment Co. (Northwestern), First National Bank Building, Levelland, Tex. 79336, has, pursuant to § 107.105 of the regulations governing Small Business Investment Companies (13 CFR 107.105 (1972)), surrendered its license to operate as a small business investment company.

Northwestern was incorporated September 19, 1960, under the laws of the State of Texas, and issued License No. 10-0033 by the Small Business Administration on October 7, 1960.

Northwestern was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. secs. 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Northwestern is hereby accepted, and, accordingly, it is no longer licensed to operate as a small business investment company.

Dated: June 13, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-9229 Filed 6-19-72;8:48 am]

[Declaration of Disaster Loan Area 908, Class A]

SOUTH DAKOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of South Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a castastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the counties of Custer, Lawrence, Meade, and Pennington, S. Dak., suffered damage or destruction resulting from flooding beginning on June 9, 1972.

OFFICE

Small Business Administration District Office, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102.

2. A temporary office will be established in Rapid City, S. Dak., and other areas as may be necessary, address to be announced locally.

3. Applications for disaster loans under the authority of this declaration will

not be accepted subsequent to September 30, 1972.

Dated: June 12, 1972.

CLAUDE ALEXANDER,
Associate Administrator
for Operations and Investment.

[FR Doc.72-9227 Filed 6-19-72;8:48 am]

[Declaration of Disaster Loan Area 907, Class B]

WASHINGTON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the county of Okanogan, Wash., suffered damage or destruction resulting from floods beginning on or about May 31, 1972, and continuing.

OFFICE

Small Business Administration Regional Office, Fifth Floor, Dexter-Horton Building, 710 Second Avenue, Seattle, WA 98104.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1972.

Dated: June 6, 1972.

CLAUDE ALEXANDER,
Associate Administrator
for Operations and Investment.

[FR Doc.72-9228 Filed 6-19-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice 13]

ASSIGNMENT OF HEARINGS

JUNE 15, 1972.

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

MC 2980 Sub 8, Landgrebe Motor Transport, Inc., now assigned July 10, 1972, at Indianapolis, Ind., in room 1011, Public Service Commission, 100 North Senate Avenue, Indianapolis, IN.

MC 21866 Sub 74, West Motor Freight, Inc., now being assigned hearing August 8, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Sub 597, Pre-Fab Transit Co., now being assigned hearing August 1, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 110761 Sub 14, Carroll Transport, Inc., now being assigned hearing August 1, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 115703 Sub 6, Kreitz Motor Express, Inc., now being assigned hearing August 7, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 116628 Sub 16, Suburban Transfer Service, Inc., now being assigned hearing August 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 117799 Sub 25, Best Way Frozen Express, Inc., now being assigned hearing August 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 133095 Sub 8, Texas Continental Express, Inc., now being assigned hearing August 10, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 133796 Sub 6, George Appel, now being assigned hearing August 14, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 135996, Stress Free Safety Transfer Co., now being assigned hearing August 7, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 120657 Sub 4, Dugan Truck Line, Inc., now assigned hearing August 7, 1972, at Topeka, Kans., in a hearing room to be later designated.

MC 115491 Sub 122, Commercial Carrier Corp., now being assigned hearing August 1, 1972, at Tampa, Fla., in a hearing room to be later designated.

MC 129291 Sub 5, McDaniel Motor Express, Inc., now being assigned hearing August 7, 1972, at Lexington, Ky., in a hearing room to be later designated.

MC 135910, Angelina Johnson, doing business as Johnson Enterprises, now being assigned hearing July 31, 1972 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 135988, Bob's Towing Service, Inc., now being assigned hearing August 2, 1972 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC-C-7499, Manhattan Transit Co., Consolidated Terminal and Travel Bureau, Inc., and National Tour Brokers Assoc.—petition for declaratory order, now being assigned hearing July 31, 1972 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC-136505, R. O. Barber, Inc., now being assigned hearing August 8, 1972 (2 days) at Indianapolis, Ind., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-9280 Filed 6-19-72;8:50 a.m.]

[Notice 78]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73483. By order of June 9, 1972, the Motor Carrier Board approved the transfer to John R. Robertson, doing business as Robertson Truck Co., Blythe, Calif., of corrected certificate No. MC 128919 (Sub-No. 2) issued to Frank Wehe, Blythe, Calif., authorizing the transportation of: Commodities which because of size or weight require the use of special equipment, between points in specified counties in Arizona and California. Ernest D. Salm, practitioner, 3846 Evans Street, Los Angeles, CA 90027.

No. MC-FC-73574. By order of June 9, 1972, the Motor Carrier Board approved the transfer to Franklin L. Anderson, Richard J. Anderson, and Phillip F. Anderson, a partnership, doing business as City Cartage, 1341 Marinoff Drive, Beloit, WI 53511, of the operating rights in certificate No. MC-39751 issued July 10, 1957, to Bernard L. Shepherd and Franklin L. Anderson, a partnership, doing business as City Cartage, 1341 Marinoff Drive, Beloit, WI 53511, authorizing the transportation of household goods between Beloit, Wis., on the one hand, and, on the other, points in Illinois within 20 miles of Beloit.

No. MC-FC-73738. By order entered June 12, 1972, the Motor Carrier Board approved the transfer to Roland Zastrow, doing business as Zastrow Trucking, Highmore, S. Dak., issued March 24, 1970, to Mervin Mewes, Inc., Highmore, S. Dak., authorizing the transportation of livestock, between Highmore, S. Dak., and points within 25 miles thereof, on the one hand, and, on the other, points in Iowa and Minnesota; emigrant movables, between Highmore, S. Dak., and points within 25 miles thereof, on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska; and lumber, animal and poultry feeds, feed minerals, seeds, and farm machinery and

implements (not including parts therefor), from Minneapolis, Minn., and Sioux City, Iowa, to Highmore, S. Dak., and points within 25 miles thereof. Roland Zastrow, Highmore, S. Dak. 57345, representative for applicants.

No. MC–FC–73744. By order entered June 9, 1972, the Motor Carrier Board approved the transfer to George W. Newton, doing business as George W. Newton Waste Wood Products, Pickens, S.C., of the operating rights set forth in certificate No. MC–128186, issued January 10, 1967, to G. W. Keasler, Jr., Pickens, S.C., authorizing the transportation of wood chips, between points in South Carolina, North Carolina, and Georgia. Henry P. Willimon, Post Office Box 1075, Greenville, SC 29602, attorney for applicants.

No. MC–FC–73752. By order entered June 9, 1972, the Motor Carrier Board approved the transfer to Stewart Trucking, Inc., Mars, Pa., of the operating rights set forth in certificate No. MC–13026, issued February 3, 1965 to Harry D. Stewart, doing business as Stewart Trucking, Mars, Pa., authorizing the transportation of building supplies and construction materials, between points in Allegheny, Westmoreland, Fayette, Washington, Greene, Beaver, Armstrong, Butler, and Indiana Counties, Pa., on the one hand, and, on the other, points in Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, and Preston Counties, W. Va., and those in Columbiana, Jefferson, Belmont, Harrison, Carroll, Stark, and Tuscarawas Counties, Ohio; and scrap metals, burlap, and rope, between Carnegie and Pittsburgh, Pa., on the one hand, and, on the other, Wellsburg and Wheeling, W. Va., and Warren, Youngstown, and Steubenville, Ohio. John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC–FC–73756. By order entered June 9, 1972, the Motor Carrier Board approved the transfer to Giovenelli & Paragine Trucking Corp., Jersey City, N.J., of the operating rights set forth in permit No. MC–42288, issued October 22, 1964, to Lark Lines, Inc., Hoboken, N.J., authorizing the transportation of such merchandise as is dealt in by wholesale and retail grocery houses, between points in Bergen, Hudson, Essex, Passaic, Union, Middlesex, Morris, and Somerset Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., restricted to transportation service to be performed under special and individual contracts or agreements, with persons who operate wholesale food business houses, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified. Alexander Markowitz, Post Office Box 793, Vineland, NJ 08360, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-9281 Filed 6-19-72;8:50 am]

Office of Proceedings

[Notice 84]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS [1]

JUNE 13, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 232 TA), filed June 2, 1972. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry juice*, in bulk, in tank vehicles, from Hanson, Mass., Sodus, Mich., Bordentown, N.J., and Kenosha, Wis., to Dunedin and Orlando, Fla., for 180 days. Supporting shipper: Ocean Spray Cranberries, Inc., Main Street, Hanson, Mass. 02341. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 29568 (Sub-No. 4 TA), filed June 2, 1972. Applicant: ASSOCIATED TRANSFER & STORAGE CO., INC., 730 North Northlake Way, Seattle, WA 98103. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities which because of size or weight require the use of special equipment), between Seattle, Wash., and the commercial zone thereof, Tacoma, Wash., and the commercial zone thereof, Everett, Longview, Bellingham, Aberdeen, and Anacortes, Wash., on the one hand, and, on the other, points in Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Grays Harbor, Lewis, Clark, and Cowlitz Counties, Wash., restricted to traffic having a prior or subsequent movement by water, for 180 days. Supporting shippers: Bakke Steamship Corp., 1411 Fourth Avenue Building, Seattle, WA 98101; CTI-Container Transport International, Inc., 3201 Fremont Avenue North, Seattle, WA 98103. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 52574 (Sub-No. 44 TA), filed June 2, 1972. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Applicant's representative: Bowes & Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Totowa, N.J., to Dover, Del., and Berlin, Md., for 180 days. Supporting shipper: S. B. Thomas, Inc., 930 North Riverview Drive, Totowa, N.J. 07512. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 55822 (Sub-No. 13 TA), filed May 31, 1972. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, OH 45427. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and facilities of Hudson Pulp & Paper Corp., at or near Palatka, Fla., and Dayton, Ohio, to points in Indiana, Illinois, Michigan, Minnesota, Missouri, Iowa, Ohio, and Wisconsin, under a continuing contract with Hudson Pulp & Paper Corp., for 180 days. Supporting shipper: Hudson Pulp & Paper Corp., 477 Madison Avenue, New York, NY 10022. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 60847 (Sub-No. 4 TA), filed June 1, 1972. Applicant: STANDARD TRUCKING CO., 587 Fayette Street, Perth Amboy, NJ 08861. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from Fayetteville, Biglerville, Williamsport, New Providence, and Hanover, Pa., and Ladysmith, Amelia, and Lawrenceville, Va., to points in New York, New Jersey, and Connecticut to Baltimore, Md., to points in New

[1] Except as otherwise specifically noted, each applicant states that there will be no specificant effect on the quality of the human environment resulting from approval of its application.

York, New Jersey, Pennsylvania, Connecticut, and Delaware, for 180 days. Supporting shippers: J. F. Rohrbaugh & Co., Inc., Box 37, Hanover, PA 17331; L. L. Dymond & Sons, Inc., Box 183, Fayetteville, PA 17222; The Nelson Co., The Quadrangle, Village of Cross Keys, Baltimore, Md. 21210; Litco Products Co., 1788 Pleasant Valley Road, Girard, OH 44420. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 73688 (Sub-No. 57 TA), filed June 1, 1972. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7195, Memphis, TN 38107. Applicant's representative: Paul A. Costin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Memphis, Tenn., to Tuscumbia, Ala., for 180 days. Supporting shipper: Evans Products Co., 201 Dexter Street West, Chesapeake, VA 23324. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 167 North Main Street, 933 Federal Office Building, Memphis, TN 38103.

No. MC 80018 (Sub-No. 19 TA), filed May 21, 1972. Applicant: EDMAC TRUCKING COMPANY, INC., 620 Dunn Road, Post Office Box 770, Fayetteville, NC 28302. Applicant's representative: M. C. Harkey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry rendered tankage*, in bulk, from Philadelphia, Pa., to Robbins, N.C., for 180 days. Supporting shipper: H. J. Baker & Bro., 360 Lexington Avenue, New York, NY 10017. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC.

No. MC 95540 (Sub-No. 849 TA), filed June 1, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fried and unfried potato products*, from Caribou, Maine, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia. Supporting shipper: American Kitchen Foods, Inc., Caribou, Maine 04736. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 107295 (Sub-No. 615 TA), filed May 30, 1972. Applicant: PRE-FAB TRANSIT COMPANY, 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron and parts thereof, lamps, lamp and mailbox posts, and fittings thereof*, and when shipped with any of the foregoing, cement compound and promotional materials, from points in Adams County, Ind., to points in Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, Nevada, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Missouri, for 180 days. Supporting shipper: Max Gilpin, Vice President, Gilpin, Inc., Box 226, Decatur, Ind. 46733. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107295 (Sub-No. 616 TA), filed June 1, 1972. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building boards and composition board*, from the plantsite of Celotex Corp. at Algiers, La., to points in Arkansas, Kansas, Minnesota, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, and Texas, for 180 days. Supporting shipper: David H. Wetzel, Assistant Traffic Manager, The Celotex Corp., 1500 North Dale Mabry Highway, Tampa, FL 33607. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107323 (Sub-No. 44 TA), filed June 1, 1972. Applicant: GILLILAND TRANSFER COMPANY, 21 West Sheridan Street, Fremont, MI 49412. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Salt, and sodium chloride* in van equipment, from the plantsite of the Hardy Salt Co. in Mainstee, Mich., to points in Ohio and Kentucky, for 180 days. Supporting shipper: Eaph Lowe, Transportation Manager, Hardy Salt Co., General Offices, Post Office Drawer 449, St. Louis, MO 63166. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 110525 (Sub-No. 1038 TA), filed May 30, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chromic acid and hydrofluoric acid*, in bulk, in tank vehicles, from Ferndale, Mich., to Bridgeview, Ill., for 180 days. Supporting shipper: Amchem Products, Inc., Ambler, Pa. 19002. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111729 (Sub-No. 347 TA), filed May 31, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between West Bridgewater (Plymouth County), Mass., on the one hand, and, on the other, Ellsworth, Maine, Ithaca, Kingston, and Utica, N.Y.; and Bennington, Vt.; and (b) between Reading, Pa., on the one hand, and, on the other, Parsippany, N.J., and New York, N.Y., for 180 days. Supporting shippers: Mamoth Mart, Inc., 321 Manley Street, West Bridgewater, MA 02379; GPU Service Corp., Post Office Box 1018, Reading, PA 19603. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 113362 (Sub-No. 237 TA), filed June 1, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen packaged meat*, from Kold Storage, Inc., Fort Dodge, Iowa, to points in Indiana, Ohio, Michigan, points in Minnesota on or south of U.S. Highway 12, points in Wisconsin on or south of U.S. Highway 18, and to Aurora, Elgin, Joliet, and Chicago, Ill., for 180 days. Supporting shipper: Lamb-Weston, Inc., Division of Amfac, Inc., Post Office Box 23507, Portland, OR 97223. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114265 (Sub-No. 15 TA), filed June 1, 1972. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: Raymond D. Givens, Post Office Box 964, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden I-beam trusses and component parts*, from Fort

Lupton, Colo., Lincoln, Nebr., Sioux Falls, and Rapid City, S. Dak., Emporia, Kans., Grand Island, Nebr., Fargo, N. Dak., Muskogee and Tulsa, Okla., Pasadena, Bay City, and Beaumont, Tex., Lake Charles, La., Phoenix and Tuscon, Ariz., and Albuquerque, N. Mex., for 180 days. NOTE: Applicant advises does not intend to tack or interline authority sought. Supporting shipper: Trus-Joist Corp., 9777 West Chinden Boulevard, Boise, ID 83704. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

No. MC 115242 (Sub-No. 9 TA), filed May 31, 1972. Applicant: DONALD MOORE, 603 Buchanan Street, Prairie du Chien, WI 53821. Applicant's representative: John D. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough sawn cooperage stock, stays and heading*, from Prairie du Chien, Wis., Hamilton, Murphysboro, Peoria, and Tremont, Ill., to Louisville and Lebanon, Ky., and Jackson, Tenn., for 180 days. Supporting shipper: Hiram Walker & Sons, Inc. Mail address: Box 1365, 2400 Southwest Washington Street, Peoria, IL 61601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 117765 (Sub-No. 145 TA), filed June 2, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products and materials and supplies* (except liquid commodities in bulk) used in the installation or distribution of such commodities, from the plantsite of United States Gypsum Co., Martin County, Ind., to points in Illinois, for 180 days. Supporting shipper: United States Gypsum Co., C. R. Vandemyde, 101 South Wacker Drive, Chicago, IL 60606. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-9282 Filed 6-19-72;8:51 am]

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TUESDAY, JUNE 20, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 119

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

WORK INCENTIVE PROGRAM

Parts 220, 233, and 234 of Chapter II, Title 45, of the Code of Federal Regulations, are amended to implement Public Law 92–223, approved December 28, 1971, which made a number of changes relating to the Work Incentive Program carried out under the Social Security Act. The regulations make registration with the manpower agency a condition of eligibility for AFDC; require organization of separate administrative units to provide self-support service to WIN registrants and certify their readiness to participate in training or employment under the WIN program; increase the rate of Federal financial participation in such services to 90 percent; decrease from 20 percent to 10 percent the non-Federal contribution to the cost of operating the WIN program; beginning fiscal year 1974, impose a fiscal sanction for failure to certify at least 15 percent of the average number of those required to be registered; exempt from the $30 plus one-third disregard the income earned from public service employment; and make the use of protective and vendor payments optional for cases other than WIN.

It is the policy of the Department that notice of proposed rule making procedures will be followed in the formulation of rules and regulations governing Department grant programs. Compliance with such procedures, however, would involve delay in implementing the provisions of Public Law 92–223, which are to become effective July 1, 1972. Such delay would be contrary to the public interest. Accordingly, the amended regulations shall become effective July 1, 1972. In fulfillment of the Department's general policy on public participation, interested parties may submit any comments, suggestions, or objections thereto in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in room 5121 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202—963–7361). Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until it is revised, however, it shall remain effective after its effective date of July 1, 1972, thus permitting the public business to proceed expeditiously.

Chapter II of Title 45 of the Code of Federal Regulations is amended as follows:

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV—PARTS A AND B OF SOCIAL SECURITY ACT

1. Part 220 is amended by deleting the center heading preceding § 220.35, revising the content of that section, and transferring part of such content to a new § 220.36, as set forth below:

Subpart C—Work Incentive Program (WIN)

§ 220.35 State plan requirements.

A State plan under title IV–A of the Social Security Act must provide that:

(a) Within the single organizational units required by § 220.2, there will be separate administrative units which will, to the maximum extent feasible, perform functions only in connection with the WIN program;

(b) These separate units will be responsible for:

(1) Developing jointly with the manpower agency a statewide operational plan and approving such plan in accordance with section 433(b) of the Act;

(2) Developing self-support services plans for individuals registered pursuant to § 233.11 of this chapter when requested by the manpower agency pursuant to section 433(a) of the Act. Plans for unemployed fathers must be developed so as to permit certification within 30 days of receipt of assistance. Self-support services under the WIN program are limited to:

(i) The following mandatory services, pursuant to title IV–A of the Act and the regulations in this part: Child care, family planning, health-related services, homemaker services, home management and other functional educational services, housing improvement services, and transportation as needed to make self-support services accessible;

(ii) Selected vocational rehabilitation services, as defined in the Vocational Rehabilitation Act, which cannot otherwise be funded by the vocational rehabilitation agency; and

(iii) Employment-related medical and remedial care and services not included under the State's title XIX plan nor otherwise available under any other federally assisted program;

(3) Participating with the manpower agency in development of individual employability plans;

(4) Providing such services as are approved or added by the manpower agency in the self-support services plan, to enable the registered individual to participate in work or training activities under the WIN program. Under this requirement:

(i) Child care that is suitable to the child's needs and meets the standards specified in § 220.18(c) will be provided if needed. When more than one kind of child care is available, the mother or other caretaker relative may choose the type, but may not refuse to accept child care services if they are available; and

(ii) Self-support services as needed will be continued during the individual's participation in the WIN program and after entry into employment until he has completed the job entry period or has been terminated from WIN by the manpower agency, according to definitions established by the Department of Labor;

(5) Certifying in writing to the manpower agency that the individual is ready for employment or training under the WIN program, when the manpower agency requests such certification and the supportive services, if any, have been provided or arranged for. Unemployed fathers must be certified within 30 days after receipt of aid. Failure to certify 15 percent of the average number of individuals in the State who are required to be registered during any fiscal year after June 30, 1973, will result in a proportionate reduction in Federal funds for assistance payments (see § 233.10(b)(5) of this chapter); and

(6) Providing counseling and other services, for a period of 60 days, to individuals determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment (see § 233.11(f) of this chapter for sanctions). Under this requirement, once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the agency shall not provide another period of counseling and other services, unless it is warranted by unusual circumstances.

(c) The State agency will assure a non-Federal contribution to the manpower agency for 10 percent of the cost of operations of the WIN program, and, for this purpose, will plan jointly with the manpower agency for the development and use of in-kind resources. (See § 220.36.) The State agency must make the arrangements for, but need not itself make, the contribution.

§ 220.36 Non-Federal contribution.

For purposes of § 220.35(c):

(a) Except as specifically authorized by Federal statute, a non-Federal contribution may not include funds or expenditures which are used to meet the Federal or State share of other programs receiving Federal financial assistance.

(b) The non-Federal contribution may be in cash or in-kind. A contribution in-kind may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the work incentive program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(c) The costs of operation of the work incentive program which may be met by the non-Federal contribution may in-

clude the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the manpower agency, but may not include any reimbursement for time spent by participants in work, training, or other participation in such program.

(d) If the State agency fails to make arrangements for the non-Federal contribution of 10 percent of the total statewide work incentive program costs of operation, the Secretary of Health, Education, and Welfare may withhold under the conditions specified in the law the equivalent of amounts to be paid from the grants to the State agency for the public assistance titles.

2. Section 220.61(g) of Part 220 is revised to read as set forth below:

§ 220.61 Federal financial participation; AFDC.

* * * * *

(g) *Federal financial participation in the work incentive program.* (1) Federal financial participation at the rate of 90 percent is available in the costs of self-support services (and the related administrative costs) provided by the separate administrative units in accordance with § 220.35(b)(4).

(2) The amount of Federal funds available for Federal financial participation at the rate of 90 percent, as appropriated by Congress, will be apportioned among the States according to methods prescribed by the Secretary.

(3) This paragraph does not apply to Puerto Rico, the Virgin Islands, and Guam.

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

3. Section 233.10(b) of Part 233 is amended by adding a new subparagraph (5) as follows:

§ 233.10 General provisions regarding coverage and eligibility.

* * * * *

(b) * * *

(5) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under title IV–A of the Act, for any fiscal year beginning on or after July 1, 1973, shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the manpower agency as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year. (See § 220.35(a)(5) of this chapter.)

4. Part 233 is amended by adding a new § 233.11 as set forth below:

§ 233.11 Special provisions applicable to the work incentive program; State plan requirements.

A State plan under title IV–A of the Social Security Act must provide that:

(a) Every individual, as a condition of eligibility for aid under the State plan, shall register for manpower services, training, and employment, as provided by regulations of the Secretary of Labor, unless the individual is:

(1) A child who is under age 16 or attending school full time;

(2) A person who is ill, incapacitated, or of advanced age;

(3) A person so remote from a work incentive project that his effective participation is precluded;

(4) A person whose presence in the home is required because of illness or incapacity of another member of the household;

(5) A mother or other relative of a child under the age of 6 who is caring for the child; or

(6) The mother or other female caretaker of a child, if the father or another adult male relative is in the home and not excluded by subparagraphs (1)–(4) of this paragraph, unless he has failed to register as required by this paragraph, or has been found by the Secretary of Labor, under section 433(g) of the Act, to have refused without good cause to participate under a work incentive program or accept employment.

Under this requirement, the determination whether an individual is required to register is based on criteria prescribed by the Secretary of Labor; in making such determinations, the State or local agency acts as the agent of the Department of Labor, subject to reimbursement from that Department; and fair hearings on whether an individual is required to register are the responsibility of the Department of Labor, and its decisions are binding on the welfare agency;

(b) Individuals who have been determined to be exempt from registration on the basis of incapacity will be referred to the appropriate State vocational rehabilitation agency;

(c) A mother or other relative of a child under the age of 6, who is caring for the child, will be advised of her option to register if she so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by the Secretary of Labor;

(d) The needs of any individual who fails to register as required under paragraph (a) of this section shall not be taken into account in determining the need of the family and the amount of assistance, and assistance will be furnished to the eligible members of the family;

(e) AFDC will not be denied because of certification to the WIN program or solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program;

(f) If and for so long as an individual certified to the work incentive program has been determined by the Secretary of Labor to have refused without good cause to participate in the work incentive program or to accept a bona fide offer of employment in which he is able to engage:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied; and

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance. Under this requirement:

(i) The specified sanctions shall not be applied during the period of 60 days in which an individual is being provided the counseling and other services referred to in § 220.35(b)(6) of this chapter, except that, in the case of the individual described in subparagraph (1) of this paragraph, assistance in behalf of him and his family will be provided in the form of protective or vendor payments; and

(ii) If an individual registered on a voluntary basis, pursuant to paragraph (c) of this section, discontinues participation in the work incentive program, he and his family are not subject to the sanctions in this paragraph;

(g) In the event an individual who has been certified to the work incentive program refuses to accept employment which is offered to him by an employer, whether directly or through the employment service, the determination as to whether the offer as bona fide or there was good cause to refuse the offer will be made by the Secretary of Labor (after providing opportunity for fair hearing), and will be binding on the welfare agency; and

(h) In the event an individual certified to the manpower agency should need to be referred back to the welfare agency as having good cause for not continuing on a training plan or a job, the welfare agency shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

5. Section 233.20 (a)(3)(iv)(*a*) and (a)(11)(i), (ii)(*a*), (iv), and (v) of Part 233 are revised to read as set forth below:

§ 233.20 Need and amount of assistance.

(a) * * *

(3) * * *

(iv) * * *

(*a*) Income equal to expenses reasonably attributable to the earning of income (including earnings from public service employment); * * *

* * * * *

(11) *Disregard of income applicable only to AFDC.* (i) Provide for the disregard of the $30 monthly incentive payment made by the manpower agency to any participant in institutional and work experience training under the WIN program.

(ii) Provide for the disregard of:

(*a*) All of the earned income of any child receiving AFDC if the child is a full-time student or is a part-time stu-

dent who is not a full-time employee. A student is one who is attending a school, college, or university or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the Job Corps program under the Economic Opportunity Act of 1964. A full-time student must have a school schedule that is equal to at least one-half of a full-time curriculum; and

* * * * *

(iv) Earned income, for purposes of disregarding the first $30 plus one-third of the remainder of monthly earnings, pursuant to subdivision (ii)(*b*) of this subparagraph, includes work allowances and training incentive payments under the MDTA, payments under the Economic Opportunity Act of 1964, including payments to the beneficiaries of assistance under that act, and earnings under title I of the Elementary and Secondary Education Act. The $30 plus one-third disregard does not apply to income from public service employment under WIN nor to incentive payments or reimbursement of training-related expenses made by the manpower agency to any participant in institutional and work experience training under WIN.

(v) In summary, the effect of these regulations, for treatment of income and expenses under WIN, is as follows:

(*a*) For earned income from regular employment or on-the-job training, pursuant to section 432(b)(1) of the Act, the first $30 plus one-third of the remainder are disregarded, and work related expenses are then deducted from the remaining income;

(*b*) For institutional and work experience training, pursuant to section 432(b)(2) of the Act, the $30 monthly incentive payment and the reimbursement for training related expenses made by the manpower agency are totally disregarded; and

(*c*) For public service employment, pursuant to section 432(b)(3) of the Act, work related expenses are deducted, but the $30 plus one-third disregarded does not apply.

* * * * *

§ 233.100 [Amended]

6. Section 233.100 of Part 233 is amended as follows:

a. In paragraph (a)(6), the word "referred" is deleted and the word "certified" is substituted; and

b. In paragraph (c)(2)(iii), the word "refer" is deleted and the word "certify" is substituted.

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

8. Section 234.60 of Part 234 is amended by revising the heading and introductory words of paragraph (a); redesignating subparagraphs (1) through (11) of that paragraph as subparagraphs (2) through (12); adding a new subparagraph (1) to paragraph (a); revising subparagraph (12) as herein redesignated; and changing the cross reference in paragraph (b). As amended, § 234.60 reads as follows:

§ 234.60 Protective and vendor payments for dependent children.

(a) *State plan requirements.* (1) If a State plan for AFDC under title IV–A of the Social Security Act provides for protective and vendor payments for other than WIN cases, it must meet the requirements in subparagraphs (2) through (11) of this paragraph.

* * * * *

(12) For WIN cases, the State plan must provide that, when protective or vendor payments are made pursuant to § 233.11(f)(1) of this chapter (because an individual certified to the work incentive program has been found by the Secretary of Labor, under section 433(g) of the Act, to have refused without good cause to participate in the program or to accept a bona fide offer of employment), only subparagraphs (7), (9)(ii), and (11) (i) and (ii) of this paragraph will be applicable. Under these circumstances, when protective payments are made, the entire payment will be made to the protective payee; and when vendor payments are made, at least the greater part of the payment will be through this method. Provision will be made for termination of protective payments, or payments to a person furnishing goods or services, with return to money payment status when adults who refused training or employment without good cause either accept training or employment or agree to do so. In the case of continiung refusal of the relative to participate, payments will be continued for the children in the home in accordance with this subparagraph.

(b) *Federal financial participation.* Federal financial participation is available in payments which otherwise qualify as money payments with respect to an eligible dependent child, but which are made to a protective payee under paragraph (a)(7)(i) of this section, or to a person furnishing food, living accommodations, or other goods or services to a child, relative or essential person. Payrolls must identify protective payment cases or payments to a person furnishing goods or services, either by use of a separate payroll for these cases or by using a special identifying code or symbol on the regular payroll.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. The regulations in these sections shall be effective July 1, 1972.

JOHN D. TWINAMS,
Administrator, Social and Rehabilitation Service.

MAY 25, 1972.

JOHN G. VENEMAN,
Acting Secretary, Health, Education, and Welfare.

JUNE 15, 1972.

[FR Doc.72-9269 Filed 6-19-72;8:51 am]

federal register

TUESDAY, JUNE 20, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 119

PART III

DEPARTMENT OF LABOR

Office of the Secretary

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subtitle A of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part designated Part 56. The new Part 56 sets forth the regulations of the Secretary of Labor and of the Secretary of Health, Education, and Welfare for the registration of applicants for aid to families with dependent children and for making grants to, or entering into agreements with, appropriate agencies for carrying out the purposes of part C, title IV of the Social Security Act as amended by Public Law 92–223, December 28, 1971. Regulations providing opportunity for fair hearing for individuals who refuse without good cause to accept employment or participate in a work incentive program will be issued at a later date.

Part C of title IV of the Social Security Act, as amended, was designed to establish a program utilizing all available manpower services, including those authorized under other provisions of law, under which individuals receiving aid to families with dependent children will be furnished incentives, opportunities, and necessary services for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the participation of such individuals in public service employment, thus restoring the families of such individuals to independence and useful roles in their communities. Part A of title IV of the Social Security Act, as amended, requires that effective July 1, 1972, every individual, as a condition of eligibility for aid to families with dependent children, shall register for manpower services, training, and employment as provided by regulations of the Secretary of Labor, unless such individual comes within an exemption specified in the statute.

The effective implementation of title IV of the Social Security Act, as amended by Public Law 92–223, is not possible without regulations to enable affected persons and public agencies to know the requirements and how to proceed. Compliance with the notice and public procedure requirements of 5 U.S.C. 553 would involve a delay in making available the assistance provided by the Act; we find that under the circumstances such delay would be impracticable and contrary to the public interest. Accordingly the new Part 56 shall become effective on July 1, 1972.

It is the policy of the Departments that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the provisions of 5 U.S.C. Section 553. See 29 CFR 2.7 published in the July 10, 1971 FEDERAL REGISTER, 36 F.R. 12976. In accordance with the spirit of the public policy set forth in the above-mentioned section, interested parties may submit written comments, suggestions, objections or data to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210, within a period of 30 days from the date of publication of this part in the FEDERAL REGISTER. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until it is revised, however, it shall remain effective after its effective date of July 1, 1972, thus permitting the public business to proceed expeditiously.

The new Part 56 reads as follows:

Sec.

AUTHORITY: The provisions of this Part 56 are issued under 85 Stat. 803, 808, 42 U.S.C. sections 602 and 639, unless otherwise noted.

§ 56.1 Definitions.

As used in this part and in contracts entered into pursuant to this part:

(a) "Act" means title IV of the Social Security Act as amended by Public Law 92–223, December 28, 1971.

(b) "AFDC" (Aid to Families with Dependent Children) means a program authorized by title IV of the Social Security Act to provide financial assistance and social services to needy families with children.

(c) "Applicant" means a person who applies to the State or local Income Maintenance Unit for AFDC benefits.

(d) "Appraisal" means the interview of a registrant by WIN staff and Separate employability potential and suitability for participation in the appropriate WIN service level.

(e) "Certification" means a written statement by the Separate Administrative Unit that requested self-support services are provided or arranged for a specific participant and that the individual is ready for employment or training or that no self-support services are needed and that the individual is at that time ready for employment or training.

(f) "Child" means dependent members of the family under age 21.

(g) "Commuting time" means the time spent traveling to and from a place of residence and an employment or training site.

(h) "DOL" means the U.S. Department of Labor.

(i) "Exempt" means an AFDC recipient who is not legally required to register for employment or training under the WIN program.

(j) "Grievance" means participant complaints concerning matters within the power of the WIN sponsor to change.

(k) "HEW" means the U.S. Department of Health, Education, and Welfare.

(l) "Incentive payments" means cash payment up to $30 per month, paid semimonthly to a WIN participant who is participating in an activity for which such payments are authorized.

(m) "Income Maintenance Unit" means the office where the applicant applies for AFDC benefits.

(n) "Institutional training" means skill training for a specific occupational area conducted by an instructor in a nonwork site setting.

(o) "Manpower services" means those services provided by WIN project staff designed to result in the training or employment of participants.

(p) "Participant" means a registrant who has been appraised and for whom an employability plan has been initiated by local WIN project and Separate Administrative Unit staff.

(q) "Placement" means the process of successfully moving participants who are job-ready into appropriate work.

(r) "Public Service Employment" (PSE) means a WIN component which provides subsidized, transitional employment for WIN participants with public or private nonprofit agencies.

(s) "Recipient" means an individual who is receiving AFDC benefits.

(t) "Registrant" means an AFDC recipient who has registered for manpower services, training, and employment as provided by the Act.

(u) "Registrant pool" means the entire group of registrants.

(v) "Registration" means the process whereby an AFDC applicant or recipient signs a completed registration card.

(w) "Social and Rehabilitation Service Regional Commissioner" means the Regional Commissioner of the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare.

(x) "RMA" means Regional Manpower Administrator for the U.S. Department of Labor.

(y) "SAU" means Separate Administrative Unit of the social service agency established pursuant to section 402(a)(19)(G) of the Social Security Act, as amended, to administer the WIN program for that agency.

(z) "Secretary" means the Secretary of Labor.

(aa) "Self-support services" means those services provided or arranged by the SAU, such as child care and medical services, necessary to enable the participant to enter employment or training.

(bb) "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(cc) [Reserved]

(dd) "Training-related expenses" means those reimbursable expenses incurred by participants in order to participate in work experience and training.

(ee) "Unemployed fathers" means those fathers who apply for or receive AFDC benefits under section 407 of the Act.

(ff) "Volunteer" means any AFDC recipient who is legally exempt from registration who chooses to register for manpower training and employment services.

(gg) "WIN" means Work Incentive program.

(hh) "WIN sponsors" means the State Employment Service or other public or nonprofit private agency with which the RMA contracts to administer the WIN program at the State or local level.

§ 56.2 Purpose and scope.

This part contains the policies, rules, and regulations of the Department of Labor for implementing and administering the registration requirements of section 402(a)(19)(A) of the Act, as amended, and the requirements of part C, title IV of that Act, as amended. The applicable regulations of the Secretary of Health, Education, and Welfare relating to title IV of the Act may be found in 45 CFR Parts 220, 233, and 234.

(a) Under the Act the Secretary of Labor prescribes the regulations for registering individuals for manpower services, training and employment as a condition of eligibility for aid to families with dependent children and provides grants to and enters into agreements with public sponsors for the purpose of establishing Work Incentive programs for placing as many of such individuals in employment or on-the-job training, in institutional and work experience training, in public service employment, or in other activities which would enable them to become self-supporting employees in the regular economy.

(b) This part sets forth the requirements for registration of individuals for manpower services; the standards for selection, appraisal, and certification of, and development of employability plans, for such individuals; the responsibilities and functions of the WIN project staff in administering and carrying out the purposes of the Work Incentive program; the responsibilities and functions of the Labor Market Advisory Councils, the Regional Coordination Committees, and the National Coordination Committee; requirements of and policies for the development of and approval of Local and Statewide Operational Plans; the requirements for use of Federal funds and for non-Federal share under part C of the Act; the requirement for allocation of funds; requirements as to compensation and working and training conditions of participants; recordkeeping and reporting requirements; and other pertinent conditions and standards.

§ 56.3 Administration.

(a) Within DOL, the Regional Manpower Administrator shall, in accordance with his delegated authority, act on behalf of the Secretary. When authority is delegated to the Regional Manpower Administrator in the regulations in this subchapter, such authority may be exercised by him or by his designee.

(b) The State WIN agency or other sponsors with whom the Secretary has entered into an agreement shall be responsible for the administration of the programs established under part C of the Act and the responsibilities and functions set forth in this subchapter.

§ 56.4 Registration and exemptions of AFDC applicants.

(a) The Income Maintenance Unit of the local welfare agency, as agents of the RMA, shall register AFDC applicants and recipients for manpower services, training and employment as required under section 402(a)(19)(A) of the Act. It shall determine whether the applicant or recipient and members of his family are required to register as a condition for receiving AFDC benefits. Each individual must register unless he is—

(1) Under age 16 with proof of age;

(2) Attending school full time and age 16 but not yet age 21, unless a State AFDC requirement specifies a lower cutoff age, with proof of age and verification from an appropriate school official that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student;

(3) Ill with medical evidence that the illness or an injury temporarily prevents entry into employment or training; (This exemption shall not exceed 90 days. A request for continuing exemption for illness or disability due to injury after 90 days shall be reviewed for medical determination of "incapacity").

(4) Incapacitated, when verified by the Income Maintenance Unit that a medically determinable physical or mental impairment, which by itself or in conjunction with age prevents the individual from engaging in employment or training under WIN, and the impairment is expected to exist for a continuous period of at least 3 months; (Except where determined to be permanently incapacitated, the individual shall notify the Income Maintenance Unit when he has been discharged by the attending physician).

(5) 65 years of age or older with verification of age;

(6) Residing at a location which is so remote from a WIN project so that more than a total of 10 hours would be required for a normal work or training day including round trip by reasonable available public transportation from his home to the WIN project;

(7) A caretaker in the home and the Income Maintenance Unit has verified that a medically determinable condition of another member of the household, without regard to expected duration, requires the individual's presence in the home on a substantially continuous basis; (A person exempt as "needed in the home" shall be subject to registration when no longer needed in his caretaker role.)

(8) A mother or other caretaker relative of a child under age 6, with proof of age and relationship;

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and has not refused to participate in the program or employment without good cause.

(b) Exemptions granted under paragraph (a)(9) of this section shall be withdrawn when the Income Maintenance Unit is informed that the nonexempt father or other nonexempt adult male relative in the home is not registered or has been found to have refused without good cause to participate in the program or accept employment.

(c) The Income Maintenance Unit shall establish standards of proof required for determining an individual's exemption under paragraph (a) of this section. Such standards shall be submitted in writing to the RMA for his review and approval at the earliest practicable date. The approved standards shall be applied in determining whether the individual is or is not exempt. Modifications of approved standards shall be processed in a similar manner.

(d) Exempt persons are required to notify the Income Maintenance Unit of any changes affecting their exempt status within 5 days of the change. The Income Maintenance Unit shall conduct periodic reviews of exempt status as a part of the redetermination process, except where the individual has been determined to be permanently incapacitated.

(e) An individual claiming to be exempt from the registration requirement may request the Income Maintenance Unit to reconsider its determination or request a hearing by the State welfare agency.

(f) All persons exempt in accordance with criteria set forth in paragraph (a) of this section may volunteer for registration for manpower services, training, or employment. An exempt individual who volunteers for registration may cease to participate at any time, without loss of AFDC benefits, provided his status in the interim has not changed in a way which would require him to register in accordance with the Act.

§ 56.5 Selection, appraisal, and certification of participants.

(a) Registrants will be selected for appraisal of their employability potential and their needs, if any, for manpower, self-support and job placement services by WIN project and SAU staff on the basis of information obtained during the registration process. The following call-in order shall be followed, taking into account the individual's employability potential as determined from the registration form—

(1) All unemployed fathers without the application of selection factors;

(2) Mothers who volunteer for participation;

(3) Other mothers and pregnant women under 19 years of age who are required to register;

(4) Dependent children and relatives who have attained age 16 and who are not in school or engaged in work or manpower training;

(5) All others.

(b) The appraisal interview shall be conducted by WIN project and SAU staff at a time and place designated by them. Testing may be utilized to the extent it is required to determine whether or not the individual is employable. An employability plan for each registrant shall be initiated at the appraisal interviews by the WIN project staff and SAU in consultation with the participant. The employability plan shall be designed to lead to appropriate employment and shall contain a definite employment goal attainable in the shortest time period consistent with the participant's needs and qualifications, project resources, and job market opportunities. All information which has a bearing upon his vocational objective shall be included. The plan shall specify the steps for the participant to reach the goals established in the plan and shall identify the major barriers to employment or training and propose remedial action. The employability plan shall be reviewed periodically and modified as circumstances warrant. After appraisal, participants will be placed into the appropriate service level. As appropriate employment opportunities or openings in WIN manpower service programs become available, WIN project staff will request the SAU to certify those individuals, for whom such self-support services are identified in their employability plan, in the same order as prescribed above.

(c) The WIN project staff shall initiate all requests for certification. The requests shall be made only for participants who are to be entered into WIN training or placement and for participants who are enrolled in other manpower training programs: *Provided, however,* That certification will be requested for all unemployed fathers within two weeks of registration irrespective of whether an employability plan has been developed. In the event that certification has not been requested within this period, the SAU will proceed to certify the unemployed father on its own initiative. The determination of the participant's need for self-support services shall be made jointly by WIN and SAU staff. In the event of disagreement, the WIN staff shall make the final determination of the need for services. When needed self-support services have been made available or when the participant is not in need of such services to enable him to participate in training or employment, the SAU shall certify him to the WIN project. When so certified, he shall be referred by the WIN project staff to employment in the private sector, to on-the-job training or to institutional and work experience training or public service employment which is likely to lead to regular employment. Every effort shall be made to place participants in employment. All participants who are not employed or in training will be periodically exposed to available employment opportunities.

§ 56.6 [Reserved]

§ 56.7 Changes in status affecting welfare benefits.

The WIN project staff shall promptly notify the Income Maintenance Unit of any work placement or change of status which may affect the payment of welfare benefits to the participant.

§ 56.8 Allowances to certain WIN registrants/participants.

(a) A participant assigned to an institutional or work experience training component may be eligible to receive the following allowances—

(1) Incentive payments at a rate not to exceed $30 a month; (Unless waived by the WIN project staff, deductions may be made from the incentive payment for failure to meet attendance requirements established and posted by the sponsor.)

(2) Incidental daily training-related expenses to cover such items as lunches and transportation at the rate of $2 for each day that he attends such training during a training payment period; (Such amount shall be increased by the amount of excess daily travel cost where the cost of daily transportation exceeds $1 a day. This amount may be increased in instances of extreme hardship upon prior approval of the RMA.)

(3) A subsistence allowance, in addition to a training-related expense allowance, to qualified participants for their separate maintenance when they are assigned to a training facility beyond daily commuting distance from their homes at the rate of $8 a day ($10 in Alaska) for each calendar day within the training payment period during which they were participating in training; (If the training facility makes available food and lodging, the subsistence allowance will be computed by multiplying the number of days in training in the period, plus intervening days of no training, by the daily rate charged for food and lodging plus $1 per day for incidentals, rounded to the next higher dollar.)

(4) A transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of his training program. (The amount of the transportation allowance will be the cost of the most economical public transportation available or at the rate of 6 cents per mile, if private transportation is used.)

(b) Allowances for nonrecurring expenses may be authorized by the Secretary, such as payments to cover necessary expenses incurred by a registrant in order to report for the appraisal interview.

§ 56.9 Relocation assistance.

The Secretary may assist participants to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employable and self-supporting. Such assistance shall be given only to participants who concur in their relocation and who will be employed at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for participants, their dependents, and their household belongings plus such relocation allowance as the Secretary determines to be reasonable.

§ 56.10 Overpayments.

The participant shall be required to repay the amount of any overpayment to him under part C of the Act. Overpayments not repaid shall be set off against any future allowance or other training payment under the Act to which the participant shall become entitled. Where the overpayment was made in the absence of fault on the part of the participant, recovery may be waived where such recovery would be against equity and good conscience.

§ 56.11 [Reserved]

§ 56.12 Agreements for WIN program services.

The State or local WIN sponsor shall by agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out on-the-job training and work experience programs, and such other activities or programs as approved or developed by the Secretary. No agreement, however, shall be entered into with a private employer for profit, or with a nonprofit employer not organized for a public purpose, for purposes of a work experience project.

§ 56.13 Local Operational Plans.

(a) Local WIN Project staff shall develop an annual Local Operational Plan in cooperation with the local SAU. The plan shall describe how the local project will operate and will be administered and shall include—

(1) A list of all manpower activities which will be undertaken such as the anticipated number of direct placements, institutional training related to jobs of the type which are likely to become available in the area, on-the-job training and public service employment, and the estimated level of activity for each such component;

(2) The extent to which manpower training and employment services and opportunities under other Acts are to be utilized and an estimate of costs of such services and opportunities not otherwise available on a nonreimbursable basis;

(3) The number and kinds of self-support services which will be available and the extent to which such resources must be supplemented to meet projected needs;

(4) Identification of the agency, unit or subcontractor who will be responsible for providing manpower and self-support services and activities to be performed under the program; and

(5) A description of the manner in which information provided by the Labor Market Advisory Council (LMAC) will be utilized in the planning and operation of the local project.

(b) Local Operational Plans shall be forwarded to the State WIN agency for incorporation into the Statewide Operational Plan. Simultaneously, copies of the plan shall be sent to the appropriate mayors or chief executives of the areas involved for their review and submission of their comments directly to the local and State WIN agency and SAU. The State WIN agency shall maintain a copy of the local plan for use of regional and national monitors.

§ 56.14 Statewide Operational Plans.

(a) Statewide Operational Plans shall be jointly developed and approved by the State WIN agency and the State SAU. The RMA shall issue instructions to the State WIN agency for the development of that portion of the Statewide Operational Plan pertaining to manpower services and activities. The State WIN agency, in cooperation with the State SAU, will consolidate the WIN agency's State Level Plan which describes the operation to be carried out by the State WIN agency, the SAU's counterpart plan, and the Local Operational Plans.

(b) The plan shall describe how the WIN program will be administered and operated at the State and local levels, the total amount of the manpower and self-support services and activities which are to be provided during the fiscal year, the agencies or organizations which will be responsible for providing the services or conducting the activities enumerated, and the manner in which information provided by the Labor Market Advisory Council was utilized in planning and will be utilized in the operation of the program.

(c) The State WIN agency and the State SAU shall forward four copies of the approved Statewide Operational Plan to the appropriate RMA for distribution to each member of the Regional Coordination Committee. The agency shall also forward a copy of the plan to the Governor's Manpower Planning Council, or its equivalent, for review and comment. Any comments made by the Governor's Council should be forwarded directly to the Regional Coordination Committee by the date and to the address indicated by the Committee. Copies of such comments should also be sent to the State WIN agency, the State SAU, and other interested agencies.

§ 56.15 Labor Market Advisory Councils.

(a) For the purpose of advising the Secretary of employment opportunities, a Labor Market Advisory Council shall be established or designated in each State, municipality, or other appropriate geographic area in which a WIN project is located. The council shall consist of not more than a total of 18 persons, including representatives of industry, labor, and public service employers from the area to be served by the council, and of such other groups as the Secretary may designate.

(b) In those areas where Manpower Area Planning Councils or Ancillary Manpower Planning Boards have been established, the Secretary may designate such groups as Labor Market Advisory Councils for specific areas.

(c) The Councils shall be responsible for preparing quarterly reports on the types and numbers of jobs available or likely to become available in the area and such other data as required by the Secretary. Copies of the quarterly reports shall be forwarded to the Regional Manpower Administrator, the State WIN agency and the local WIN project(s) in the area.

§ 56.16 Regional Coordination Committees.

(a) The Regional Coordination Committee in each region shall consist of the Regional Manpower Administrator, or his designee, and the Social and Rehabilitation Service Regional Commissioner, or his designee. The Committee shall review and approve all Statewide Operational Plans and major modifications of such plans covering the States in its region. Copies of the approved Statewide Operational Plan will be distributed to each member of the RCC, the State WIN agency, the State SAU, and the Governor's Council.

(b) Any disagreement concerning the approval or disapproval of a Statewide Operational Plan between the Departmental representatives serving as members of the Regional Coordination Committee shall be referred promptly to the National Coordination Committee for resolution.

§ 56.17 National Coordination Committee.

(a) The National Coordination Committee shall be composed of members designated by the Secretaries of Labor, and Health, Education, and Welfare.

(b) It shall establish uniform reporting and other requirements for the effective administration of the WIN program and shall prepare and publish a monthly report on WIN operations.

§ 56.18 [Reserved]

§ 56.19 [Reserved]

§ 56.20 Allocations of Federal funds.

(a) The Secretary shall allocate not less than 50 percent of the sums appropriated to carry out the provisions of the Work Incentive Program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to such total as—

(1) In the case of the fiscal years ending June 30, 1973, and June 30, 1974, the average number of recipients of aid to families with dependent children in such State during the month of January last preceding the commencement of such fiscal year bears to the average number of such recipients during such month in all the States; and

(2) In the case of any fiscal year thereafter, the average number of individuals in such State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Social Security Act, as amended, bears to the average number of individuals in all States who, during such month, are so registered.

(b) The Secretary shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner which he determines would best serve the objectives to be attained by the program.

(c) Of the sums allocated to the States under paragraphs (a) and (b) of this section, not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment established under the Act.

§ 56.21 Use of Federal funds.

(a) Except where otherwise specified, Federal funds allocated by the Secretary to the State WIN agencies may be used to meet not more than 90 percent of the cost of the work incentive programs established by the Act. No funds, except in cases of public service employment under the Act, may be used for any reimbursement for time spent by participants in work, training, or other participation in the program.

(b) Such funds shall be expended only for purposes (1) permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts" and (2) not barred under the remaining provisions of this part.

§ 56.22 Non-Federal share.

(a) The non-Federal share arranged for by the State public assistance agency may be provided in cash or in kind, fairly evaluated, including, but not limited to plant, equipment or services.

(b) The non-Federal share must be expended for a purpose which is allowable under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations.

(c) The fair market value of services provided, when such services are determined to be allowable costs in support of the WIN program and when such services are provided at no cost or at a cost below the fair market value, may be included as in-kind non-Federal share.

(d) Other Federal funds or resources, whether in cash or in-kind, may not be

used for the non-Federal share, except when specifically permitted by the law under which other Federal funds were made available. State funds or resources that have been used to match other Federal funds also may not be used for this purpose.

(e) The Secretary shall report the failure of any State to meet its obligation of arranging for 10 percent of the costs of the work incentive program to the Secretary of Health, Education, and Welfare for action as prescribed by section 443 of the Act.

§ 56.23 Period of participation.

(a) The average duration of institutional and work experience training established pursuant to the Act shall not exceed 6 months, with a maximum duration of 1 year. The RMA may allow an exception to this limitation for training in high paying occupations with a high placement record.

(b) Manpower services provided under the WIN program may be provided to an individual until he has completed his employability plan or for such other period the WIN project staff determines is necessary to qualify him fully for employment even though his earnings disqualify him from aid under a State plan approved under section 402 of the Act: *Provided*, That such period does not exceed 30 days in duration.

§ 56.24 [Reserved]

§ 56.25 Public service employment.

The State WIN sponsor shall, in developing public service employment opportunities in jobs which would not otherwise be performed by regular employees, enter into agreements with—

(a) Units of Federal, State, or general local governments;

(b) Public agencies and institutions which are subdivisions of State or general local government, and institutions of the Federal Government;

(c) Indian tribes or combination of tribes on a Federal or State reservation; or

(d) Private nonprofit organizations established to serve a public purpose.

§ 56.26 Standards for appropriate work or training.

(a) A mandatory certified participant must accept assignment to employment, training, or manpower services as determined appropriate by the WIN project staff. The standards in paragraph (b) of this section must be met before a WIN participant can be required to accept an assignment to any WIN activity. An assignment is construed to include not only the referral and the first physical reporting of the participant to the work or training site, but also, to regular participation until the assignment is completed.

(b) The following standards are common to assignments to both work and training—

(1) The job or training assignment must be within the capability of the participant performing the task on a regular basis, without adverse effects on his physical or mental health; (A finding of adverse effect shall be based, as a minimum, on a physician's statement indicating that participation would impair the individual's health.)

(2) The total commuting time to and from the work or training site to which the participant is assigned shall not normally exceed 2 hours, including deposit and pick-up of a child at an approved child care location, unless a longer commuting distance and time is generally accepted in the community; (The total participant day shall not exceed 10 hours including work or training time.)

(3) When child care is required, it must be made available during the hours the participant is working or in training plus any additional time which is required to deposit and pick-up the child;

(4) The work or training site to which the individual is assigned must not be in violation of established Federal, State, or local health and safety standards.

(c) The determination of "appropriate work" shall be made at the local project level. The following shall be applied in determining "appropriate work"—

(1) When income disregard or other income supplementation is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, a wage which is not substantially less favorable than the wage normally paid for similar work in that labor market but in no event less than three-fourths of the Federal minimum wage;

(2) When, as a result of becoming employed, no income disregard or other income supplementation is available to the participant, the wage shall provide an income equal to or exceeding the individual's AFDC benefits, plus employment-related expenses such as transportation, lunches, special work clothes or tools;

(3) The daily hours of work and the weekly number of hours of work shall not exceed those customary to the occupation;

(4) No participant shall be required to accept employment if—(i) The position offered is vacant due to a strike, lockout, or other labor dispute; (ii) as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; (iii) the job offered would interrupt a program in progress for permanent rehabilitation or self-support, or would conflict with an imminent likelihood of re-employment at the person's regular work if such work would provide adequate income to make the person self-supporting.

(d) The standards set forth in paragraph (b) of this section shall apply to training assignments. In addition, any institutional training shall be in conformance with the recommendations of the local Labor Market Advisory Council. The quality of the training provided must meet local employer's requirements so that the participant will be in a competitive position within the local labor market.

§ 56.27 Participants enrolled in other manpower programs.

Participants attending a WIN component shall be compensated according to these regulations and procedures. A WIN participant referred to a slot in other federally or State funded training programs and meeting all the eligibility requirements under those programs shall be temporarily suspended from the WIN program. Those participants assigned to an institutional training program under the Manpower Development and Training Act shall be compensated in accordance with the provisions of title II of that act. Those participants assigned to programs developed under the Economic Opportunity Act will be compensated in accordance with the provisions of that act in lieu of WIN incentive payments and other WIN allowances.

§ 56.28 [Reserved]

§ 56.29 [Reserved]

§ 56.30 Project work rules and grievances.

(a) The WIN sponsor shall establish rules, subject to the approval of the RMA, governing attendance, conduct, and grievances. Each participant shall be given a copy of the rules and grievance procedure which shall include the names, addresses, and phone numbers of the persons he may contact if he believes he has a grievance.

(b) Written complaints of grievances may be filed with either the local WIN project office or the State WIN agency and shall be processed at the level at which they are submitted. All grievances must be resolved within 14 days of the receipt of the complaint by the local project or State WIN office. A registrant/participant may appeal to the RMA if he is not satisfied with the disposition of the complaint or if the complaint is not resolved within the prescribed time limit. The RMA's decision shall be the final decision in the matter.

§ 56.31 Nondiscrimination.

(a) No person in the United States shall, on the grounds of race, creed, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under this Act.

(b) Grievances involving discrimination under paragraph (a) of this section shall be processed according to the equal opportunity provisions established by the Secretary and in compliance with title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder (Part 31 of this subtitle).

§ 56.32 Political activity.

No funds allocated under the Act shall be used for any partisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with—

(1) Any partisan or nonpartisan political activity or any other political activ-

ity associated with a candidate, or contending faction or group, in an election for public or party office;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

(3) Any voter registration activity.

§ 56.33 Participant status.

A participant in a WIN project shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

§ 56.34 Reports.

State and local WIN sponsors shall submit periodic reports as required by the Secretary.

§ 56.35 [Reserved]

§ 56.36 Records, financial statements, and audits.

The WIN sponsor and subcontractors shall maintain such records and accounts, including records of property purchased with non-Federal share, and personnel and financial records, and submit such financial statements as are required by the Secretary to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to the Department of Labor or the Comptroller General of the United States or any authorized representative of either, and shall be retained for 3 years after the completion of or final payment under the agreement, whichever is later. The records shall be retained beyond the 3-year period if audit findings have not been resolved.

§ 56.37 Adjustments in payments to sponsors.

(a) If any funds are expended by a State WIN sponsor or by a public service employer in violation of the Act, the regulations, or contract conditions, the Secretary may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized or illegal expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized or illegal expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended illegally or for unauthorized purposes in the current or immediately prior fiscal year. If no further payments would otherwise be made under the Act during the current or subsequent fiscal year, the Secretary may request a repayment of funds used for unauthorized or illegal expenditures, and within 30 days after receipt of such request such repayment shall be made.

(b) No action taken by the Secretary under paragraph (a) of this section shall entitle the sponsor to reduce program activities or allowances for any participant or to expend less during the effective period of the contract than those sums called for in his operational plan. Any such reduction in expenditures may be deemed sufficient cause for termination under § 56.38.

§ 56.38 Termination of contract.

(a) If a WIN sponsor or Income Maintenance Unit violates any provision of the Act or the regulations or contract terms or conditions which the Secretary has issued or shall subsequently issue during the period of the contract, the Secretary may terminate the contract in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation or—

(b) In his discretion, the Secretary may terminate the contract in whole or in part;

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall—

(1) Discontinue further commitments of contract funds to the extent that they relate to the terminated portion of the contracts;

(2) Promptly cancel all subcontracts utilizing funds under the contract to the extent that they relate to the terminated portion of the contract;

(3) Settle, with the approval of the Secretary, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract, but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable costs shall be determined in accordance with the provisions of Part 1–15.7 of Title 41 of the Code of Federal Regulations.

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

Signed at Washington, D.C., this 15th day of June 1972.

J. D. HODGSON,
Secretary of Labor.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.72-9275 Filed 6-19-72;8:51 am]

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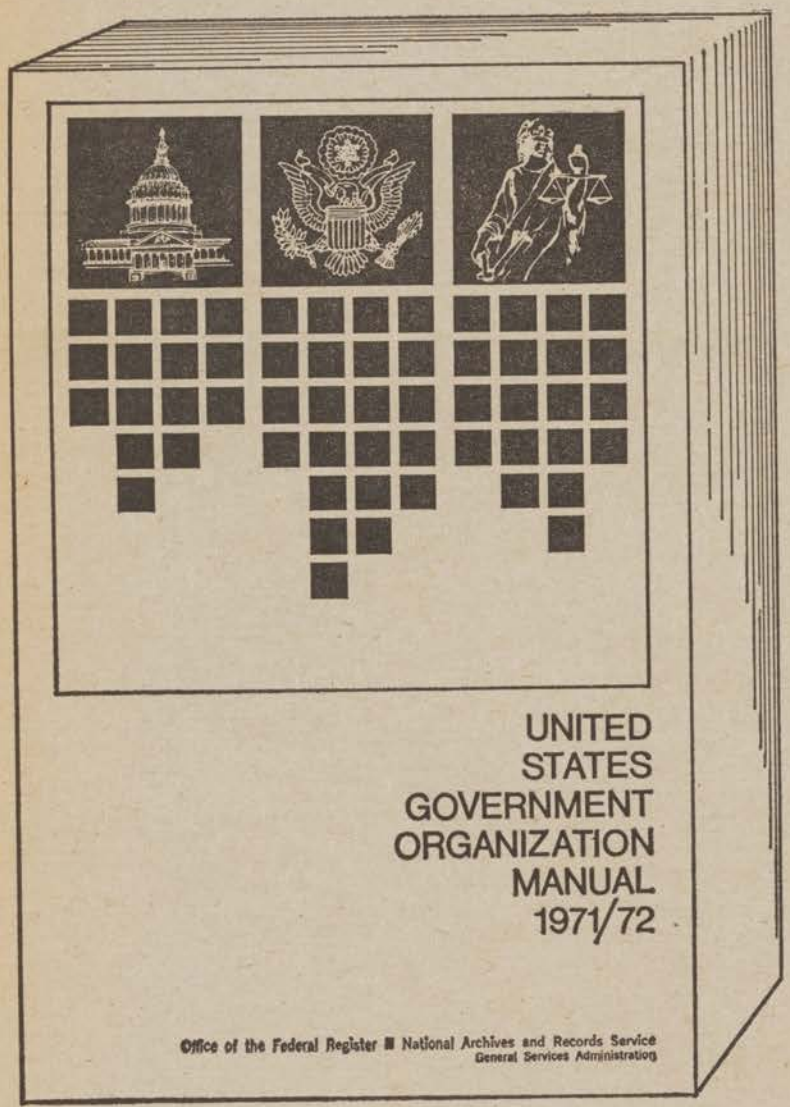

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