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PART I

(Part II begins on page 13225)

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.

(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR

PROCLAMATION:
4141 13157

6 CFR

301 13226

7 CFR

406 13159
1872 (2 documents) 13159

PROPOSED RULES:
35 13180
1701 (2 documents) 13180

9 CFR

76 13160

10 CFR

11 13160

12 CFR

545 13164
582 13166

PROPOSED RULES:
545 13190
582 13191

14 CFR

71 (9 documents) 13168–13170
95 13170

PROPOSED RULES:
61 13189
63 13189
65 13189
91 13189
133 13189
137 13189
141 13189

15 CFR

1000 13172

16 CFR

13 13173

21 CFR

121 13174

PROPOSED RULES:
8 13181
141a 13182
146 13182
146a 13182
149e 13182

24 CFR

PROPOSED RULES:
203 (2 documents) 13185, 13186

25 CFR

221 13174

31 CFR

210 13174
226 13174

32 CFR

809 13175
935 13175

41 CFR

9–4 13175
9–5 13176
9–7 13176
9–15 13176
9–51 13176
9–53 13176

42 CFR

57 13176

PROPOSED RULES:
51 13182

43 CFR

PUBLIC LAND ORDERS:
5223 13178

45 CFR

234 13179

47 CFR

73 13179

50 CFR

258 13179

Presidential Documents

Title 3—The President

PROCLAMATION 4141

White Cane Safety Day, 1972

By the President of the United States of America

A Proclamation

For the more than one million Americans with severe visual disability, mobility is one of life's most basic and pressing problems. Even moving about in a familiar room is a complex task for someone who cannot see. How much greater is the job of navigating unfamiliar and hazardous city streets.

Although there are a number of aids which sightless people can use to help them move about, none is so simple, yet so helpful, as the white cane. It enables a sightless person to move about easily, skillfully, and, most important, independently.

Not only does the white cane liberate the body, it strengthens the spirit of its user, instilling confidence and self-respect. It transforms blindness from a tragedy to a handicap which can be overcome. By permitting mobility, the white cane may enable a blind person to hold a steady job without depending on others for transportation. It allows him to shop, to enjoy leisure time, and to visit with neighbors and friends.

The white cane user wants neither charity nor pity from the rest of us. He does expect a safe passage as he walks down and across the street. And he deserves understanding, cooperation, and courtesy, particularly from motor vehicle drivers and bicycle riders. Taking an extra moment to yield the right-of-way to a pedestrian with a white cane may cost the driver a second or two, but failing to do so could cost a sightless walker his life. We all must learn to recognize the white cane and take the necessary action to assure the safety of its user.

To make all Americans more fully aware of the significance of the white cane and the need for extra care and courtesy when approaching its user, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003), has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim October 15, 1972, as White Cane Safety Day.

I urge all Americans to mark this occasion by greater consideration for the special needs of the visually handicapped, and particularly by learning to heed the white cane in order that our traffic-filled streets may become safer for all, sighted and sightless alike.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of June, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-10321 Filed 6-30-72; 3:10 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 6]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

CALIFORNIA ORANGES

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1972 crop year in the following respect:

Subsection 14(b) of the Application and Policy shown in § 406.6 is amended effective beginning with the 1972 crop year to read as follows:

§ 406.6 The application and the policy.

* * * * *

14. *Amount of loss and proof of loss.* * * *

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of oranges on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtaining by the average percent of damage (determined in accordance with subsection (c) of this section) in excess of 10 percent, and (3) multiplying the result by the insured interest.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Since the foregoing amendment merely abrogates Amendment No. 5 which was not put into effect in view of the wage-price freeze controls instituted by Executive Order 11615 of August 15, 1971 (36 F.R. 15727), and since the foregoing amendment constitutes an action favorable to the insured, the Board of Directors found that it would be unnecessary to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 F.R. 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on June 19, 1972.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on June 29, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-10213 Filed 7-3-72;8:51 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FHA Instruction 465.1]

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security

INCREASE IN INTEREST RATES ON CERTAIN LOANS

Section 1872.16(d)(2) of Subpart A of Part 1872, Title 7, Code of Federal Regulations (35 F.R. 8803), is amended to reflect an increase in the interest rates on the loans assumed by ineligible applicants and balance owed on inventory real estate sold on a time basis to ineligibles so that such rates will be more nearly in line with present interest charges. As amended, the revised subparagraph (a) will read as follows:

§ 1872.16 Transfer of real estate security.

* * * * *

(d) *Transfer of direct and insured loans to ineligible transferees.* * * *

(2) The balance of the FHA debt assumed is scheduled for repayment in not to exceed five equal annual installments with interest to the borrower at the rate of 7 percent for RH, OL, EM, FO, and SW loans and 6 percent for EO loans or at the rate specified in the note(s) evidencing the loan(s) being assumed, whichever is the greater. For RH loans made to above-moderate income borrowers, the rate specified in the note will be interpreted to be the sum of the interest plus the mortgage insurance charge, if a mortgage insurance charge was made. If, however, the transferee in the case of an RRH or LH loan is unable to pay the account in five equal installments, but is clearly able to pay the account in full during the 5-year period, or will be able to refinance any balance with another lender during this period, such payment may be in unequal amounts. The transferee must make a significant reduction in the principal amount each year. In such cases, the transfer docket and a complete justification will be submitted to the National Office for prior consent before the transfer is approved.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529; Order of Dir., OEO, 29 F.R. 14764)

Dated: June 22, 1972.

JOSEPH HASPRAY,
Deputy Administrator, Farmers Home Administration.

[FR Doc.72-10160 Filed 7-3-72:8:45 am]

[FHA Instruction 465.2]

PART 1872—REAL ESTATE SECURITY

Subpart C—Management and Sale of Acquired Farm and Nonfarm Real Estate

INCREASE IN INTEREST RATES ON CERTAIN LOANS

Section 1872.66(a) of Part 1872, Subpart C, Title 7, Code of Federal Regulations (32 F.R. 8290), is amended to reflect an increase in the interest rates on the loans assumed by ineligible applicants and balance owed on inventory real estate sold on a time basis to ineligibles so that such rates will be more nearly in line with present interest charges. As amended, the revised paragraph reads as follows:

§ 1872.66 Sale of surplus property.

(a) *Plan of sale.* The State Director will consider, among other things, existing appraisal information on the property and, if a recent appraisal report showing the present market value of the property is not available, he will obtain from an employee authorized to appraise real estate a new appraisal report showing such value as an aid in determining whether an offer represents the best price obtainable. The property will be offered for sale for cash or on terms of 20 percent cash and not to exceed 5 years for payment of the balance of the purchase price with interest on the unpaid principal balance at the rate of 7 percent for RH, OL, EM, FO, and SW loans, and 6 percent for EO loans. If an EO and another type loan is involved the interest rate will be 7 percent. The balance of the purchase price will be secured by a mortgage on the property. Also, the property may be offered for sale as a whole or in such parcels or portions as the State Director determines will aid in an expeditious sale and bring the best price obtainable for the entire property. This would permit subdivision of the land or separate sales of portions of the property, such as timber, growing crops, buildings, and similar items, if it is believed that a better price for the entire property can be obtained by a sale in this manner.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C.

2942; sec. 301, 80 Stat 379, 5 U.S.C. 301; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529; Order of Dir., OEO, 29 F.R. 14764)

Dated: June 22, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72-10161 Filed 7-3-72;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 72-531]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

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

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

(ii) That portion of Bexar County bounded by a line beginning at the junction of the Bexar-Atascosa County line and Old Pearsall Road; thence, following Old Pearsall Road in a northeasterly direction to Interstate Highway 410, State Highway 16; thence, following Interstate Highway 410, State Highway 16, in a southeasterly, then northeasterly direction to State Highway 422; thence, following State Highway 16 in a southwesterly direction to the Bexar-Atascosa County line; thence, following the Bexar-Atascosa County line in a northwesterly dirction to its junction with Old Pearsall Road.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

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

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 28th day of June 1972.

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

[FR Doc.72-10210 Filed 7-3-72;8:50 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 11—ENVIRONMENTAL STATEMENTS—OPERATIONS

Notice is hereby given that the General Manager of the U.S. Atomic Energy Commission (AEC) has adopted the following policies and procedures in implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). The procedures are effective as of June 28, 1972.

Written comments on the procedures will be received by the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, for a period of 60 days after publication of this notice in the FEDERAL REGISTER.

The National Environmental Policy Act of 1969 (NEPA), implemented by Executive Order 11514 (E.O. 11514) dated March 5, 1970 (35 F.R. 4247), and the Guidelines of the Council on Environmental Quality (CEQ) of April 23, 1971 (Guidelines) (36 F.R. 7724) requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. In addition, section 309 of the Clean Air Act (CAA), as amended, provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment on any matter relating to EPA's authority contained in such proposed legislation or other major Federal action. The Office of Management and Budget (OMB) Bulletin No. 72-6 of September 14, 1971, and OMB Circular No. A-95 (Revised) of February 9, 1971, provide guidance in connection with the evaluation, review, and coordination of Federal projects and activities.

The revised policies and procedures involve the discharge of AEC operational responsibilities with respect to NEPA, E.O. 11514, section 309 of the CAA, as amended, OMB Bulletin No. 72-6, Part II.2.a.(3) of OMB Circular No. A-95, and the CEQ Guidelines. These policies and procedures are applicable to all units and organizations reporting to or through the General Manager. They replace the interim procedures which were published in the FEDERAL REGISTER on July 16, 1971 (36 F.R. 13233).

Subpart A—General

Subpart B—Procedures

Subpart C—General Guidance for Content of Environmental Statements

AUTHORITY: The provisions of this Part 11 issued under sec. 161, 68 Stat. 919, 42 U.S.C.A. 2201; sec. 102, 83 Stat. 853, 33 U.S.C.A. 4332.

Subpart A—General

§ 11.1 Purpose and policy.

(a) The National Environmental Policy Act of 1969 (NEPA), implemented by Executive Order 11514 (E.O. 11514) dated March 5, 1970 (35 F.R. 4247), and the Guidelines of the Council on Environmental Quality (CEQ) of April 23, 1971 (Guidelines) (36 F.R. 7724) require that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of NEPA is to build into the Federal agency decisionmaking process an appropriate and careful consideration of environmental aspects of proposed actions. In addition, section 309 of the Clean Air Act (CAA), as amended, provides that

the Administrator of the Environmental Protection Agency (EPA) shall review and comment on any matter relating to EPA's authority contained in such proposed legislation or other major Federal action. OMB Bulletin No. 72-6 of September 14, 1971, and OMB Circular No. A-95 (Revised) of February 9, 1971, provide guidance in connection with the evaluation, review, and coordination of Federal projects and activities.

(b) This part establishes policy and procedure for discharging Atomic Energy Commission operational responsibilities with respect to NEPA, E.O. 11514, section 309 of the CAA, OMB Bulletin No. 72-6, OMB Circular No. A-95 (Revised) and the CEQ Guidelines, as they may be amended from time to time. This part is intended to provide guidance for:

(1) Identifying those AEC actions requiring environmental statements, the appropriate time prior to decision for requisite Federal, State, and local consultation, and the agency review process for which environmental statements are to be available;

(2) Obtaining information to allow the potential environmental impact of budget decisions and proposed policy determinations, procedures, regulations, and legislation to receive full consideration;

(3) Obtaining information and internal AEC review required for the preparation of environmental statements;

(4) Designating the officials who are to be responsible for preparation, review, and execution of the environmental statements;

(5) Taking into account the comments of appropriate Federal, State, and local agencies and the public, including obtaining the comment of EPA when required under section 309 of the Clean Air Act, as amended, and the CEQ Guidelines; and

(6) Meeting requirements for providing timely public information on proposals for legislation and for other major actions signficantly affecting the quality of the human environment, including procedures responsive to the CEQ Guidelines.

§ 11.3 Applicability.

(a) This part applies to all units and organizations of the AEC reporting to or through the General Manager (GM) of the AEC.

(b) This part applies to AEC operational actions and legislative proposals sponsored by the General Manager including those actions and proposals sponsored jointly with another agency. In this latter connection, if an environmental statement is to be prepared, the agencies involved should determine as early as possible their respective responsibilities in statement preparation and processing, including designation of a single agency to assume leadership responsibilities where appropriate.

(c) This part applies to major incremental actions proposed after the promulgation of this part in connection with AEC operational actions taken prior to promulgation where alternatives to the effort are reasonably available.

§ 11.5 Criteria for considering a potential significant effect on the quality of the human environment.

(a) *General criteria.* (1) The CEQ Guidelines provide that the statutory clause " 'major Federal actions significantly affecting the quality of the human environment' is to be construed * * * with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. 'Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases'."

(2) The CEQ Guidelines also provide that:

a. Significant adverse effects on the quality of the human environment include both those that directly affect (the health, safety, or well-being) of human beings and those that indirectly affect human beings through adverse effects on the environment.

b. Significant effects can * * * include actions which may have both beneficial and adverse effects, even if, on balance, the agency believes that the effect will be beneficial.

c. Significant adverse effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short term to the disadvantage of long term, environmental goals.

(b) *Specific criteria.* For AEC actions which involve the following, an environmental statement shall be prepared and made available as a matter of agency policy:

(1) New AEC-owned[1] power and production reactors.

(2) New AEC-owned[1] facilities for high-level nuclear waste storage.

(3) New AEC-owned[1] facilities for the reprocessing of spent nuclear fuel elements.

(4) Nuclear explosion tests conducted by AEC at the Nevada Test Site (including on-site Plowshare nuclear explosion experiments), in connection with which statements will be prepared biennially covering all tests. Individual statements will be prepared on nuclear tests of over 1 megaton.

(5) Nuclear explosion tests conducted by AEC off the Nevada Test Site. One statement may cover Plowshare experiments or Plowshare demonstration tests involving several nuclear explosions in the same general area and time frame.

§ 11.7 Definitions.

(a) "Environmental assessment" is an internal evaluation process to assure that environmental values are considered as early as possible in the decisionmaking process and to determine whether a proposed AEC action is expected to have a significant impact on the environment and therefore requires the preparation of an environmental statement. The environmental assessment should culminate in a brief written report of the same title which should: (1) Describe the proposed AEC action, including its anticipated benefits; (2) evaluate the potential environmental impact, including those adverse impacts which cannot be avoided should the proposal be implemented; (3) assess the alternatives to the proposed action and their potential environmental impact; (4) evaluate the cumulative and long-term environmental effects of the proposed action; (5) describe the irreversible and irretrievable commitments of resources involved in its implementation; (6) identify any known or potential conflicts with State, regional, or local plans and programs; (7) weigh and analyze the anticipated benefits against the environmental and other costs of the proposed action in a manner which reflects cost-benefit comparisons of reasonably available alternatives; and (8) recommend whether an environmental statement should be prepared.

(b) "Draft environmental statement" is a preliminary statement on the environmental impact of a proposed action which is circulated for review within and outside AEC.

(c) "Environmental statement" or "final environmental statement" is a detailed statement which pursuant to section 102(2)(C) of NEPA, identifies and analyzes the anticipated environmental impact of a proposed AEC action.

(d) "Summary sheet" is a brief summary of the most significant aspects of an environmental statement. It is prepared in accordance with Appendix I of the CEQ guidelines and should accompany each draft and final environmental statement.

Subpart B—Procedures

§ 11.21 Preparation of environmental assessments.

(a) Field Office Managers and Headquarters Division Directors are responsible for the preparation of an environmental assessment of all proposed line items, major General Plant Projects (GPP), major equipment items and other proposed major activities in connection with their budget submission and of all other proposed new projects or activities under their respective jurisdictions where the item, project, or activity has been considered by the Field Office Manager or Headquarters Division Director, as appropriate, to have a potential effect on the quality of the human environment. Where it is concluded that the item, project, or activity will have no potential environmental effect, a brief statement reflecting this conclusion shall be transmitted to the Director, Headquarters, Division of Environmental Affairs (EA).

(b) Headquarters Division Directors are responsible for the review of their respective programs and for the preparation of an environmental assessment of proposed major incremental

[1] Owned by the United States with custody in the U.S. Atomic Energy Commission.

changes in continuing projects or activities and of proposed major policy determinations, procedures, regulations, or legislation related thereto where the Director has concluded that the incremental change, policy determination, procedure, regulation, or legislation has a potential effect on the quality of the human environment.

(c) The appropriate Field Office Manager or Headquarters Division Director is responsible for assuring that all those assisting in the preparation of the environmental assessment, including contractors and laboratories, as applicable, are fully cognizant of their respective functions.

(d) The Director, EA, may request the appropriate Field Office Manager or Headquarters Division Director to prepare an environmental assessment for any proposed AEC action.

§ 11.23 Submission of environmental assessments.

(a) Each environmental assessment for which Field Office Managers are responsible shall be submitted to the appropriate Headquarters Division Director having program or budgetary responsibility.

(b) A copy of each environmental assessment, including those prepared by Headquarters Division Directors, shall be transmitted by the appropriate Headquarters Division Director to the Director, EA.

§ 11.25 Review of environmental assessments.

(a) With respect to a proposed item, project, or activity which the appropriate Headquarters Division Director decides to support for inclusion in the AEC budget and for which an environment assessment has been prepared, and with respect to any other proposed action for which an environmental assessment has been prepared, the Headquarters Division Director, in consultation with the Director, EA, and the Office of the General Counsel (OGC), shall review the environmental assessment and recommend to the Assistant General Manager for Environment and Safety (AGMES) [2] whether any such proposed action has a potential significant effect on the quality of the human environment in accordance with § 11.5.

(b) If the AGMES determines that a potential significant effect on the quality of the human environment is presented by a proposed action:

(1) For each proposed action involved in the budget process, the Director, EA, shall forward immediately the environmental assessment to the Budget Review Committee (BRC), which shall transmit the environmental assessment to the GM along with its recommendation on whether the proposed action should be included in the AEC budget. With regard to projects or activities so recommended for inclusion and for such other projects as the GM may direct, the Director, EA, shall consolidate assessments for inclusion in the budget to the Commission. If the Commission approves the proposed action for inclusion in the budget, the Director, EA, is responsible for transcribing the appropriate data from the environmental assessment onto a special summary statement for submission to OMB in accordance with OMB Bulletin 72–6 and the appropriate Headquarters Division Director is responsible for the preparation of a draft environmental statement and a summary sheet for the proposed action in accordance with § 11.27.

(2) For proposed actions not involved in the budget process, the appropriate Headquarters Division Director is responsible for the preparation of a draft environmental statement and a summary sheet.

§ 11.27 Preparation of draft environmental statements.

(a) When a draft environmental statement and summary sheet are to be prepared, the appropriate Headquarters Division Director shall promptly initiate their preparation and develop a schedule to assure submission of the draft statement and summary sheet to the Director, EA, as expeditiously as possible. Where the proposed action is involved in the budget process, the draft environmental statement and summary sheet shall be submitted to the Director, EA, not later than October 1. The appropriate Headquarters Division Director is responsible for assuring that all those assisting in the preparation of the statement, including Field Offices, contractors, and laboratories, as applicable, are fully cognizant of their respective functions.

(b) Draft environmental statements and summary sheets shall be prepared in accordance with the guidance of the Director, EA, and OGC, and in consonance with the CEQ guidelines. In particular, draft environmental statements should:

(1) Indicate the underlying studies, reports, and other information obtained and considered and how such documents may be obtained.

(2) Identify and discuss all major points of view wherever possible.

(3) Indicate either compliance or noncompliance with applicable Federal or federally approved State standards of environmental quality, and, in the case of noncompliance, explain why compliance cannot be achieved.

(4) Reflect an independent AEC evaluation of the environmental quality aspects of the proposed action.

§ 11.29 Internal review of draft environmental statements.

(a) As soon as practicable after the Director, EA, receives the draft statement and summary sheet, he shall transmit a copy to OGC for review. EA and OGC shall be assisted in their review by an interdisciplinary committee, chaired by EA and composed of such representatives of Headquarters divisions and offices as the Director, EA, deems appropriate.

(b) Upon completion of this review, the Director, EA, shall prepare a report for review by the General Manager which shall:

(1) Set forth the basis on which it was determined that a potential significant environmental effect exists.

(2) Attach the draft environmental statement and summary sheet.

(3) Identify the Federal, State, and local agencies from which comments on the draft environmental statement are proposed to be solicited.

(4) Include a recommendation on whether a public hearing on the proposed action should be held.

(c) The General Manager's approval shall be required prior to the issuance of the draft environmental statement and summary sheet.

§ 11.31 External review of draft environmental statements.

(a) The Director, EA, shall (1) make ten (10) copies of the draft environmental statement and summary sheet available to the CEQ, (2) inform the public of the availability of the draft environmental statement, and (3) solicit comments from appropriate Federal, State, and local agencies in accordance with paragraph (b) of this section.

(b) Procedure for soliciting comments:

(1) Comments of Federal agencies shall be solicited by mailing the draft environmental statement to Federal agencies with special expertise or jurisdiction by law relevant to the statement.

(2) Comments of State and local agencies shall be solicited by mailing the draft environmental statement directly to State and local agencies with known responsibilities in environmental matters, and to the appropriate State, regional, and metropolitan clearinghouses unless the Governor of the appropriate State has designated some other point for obtaining this review.

(3) Information on the public availability of draft environmental statements shall be provided through notice in the FEDERAL REGISTER and by arranging for the availability of the statement at appropriate AEC offices and at appropriate State, regional, and metropolitan clearinghouses as listed in the FEDERAL REGISTER notice. The FEDERAL REGISTER notice shall specify the appropriate comment period in accordance with paragraph (c) of this section.

(c) Comment period (except as may be modified in accordance with the CEQ Guidelines):

(1) Comments on the draft environmental statement from Federal, State, and local agencies shall be considered in the final environmental statement if received by the Director, EA, within forty-five (45) calendar days from the date the statement is mailed or otherwise distributed. The Director, EA, upon agency request may grant extensions for comment for a period not to exceed fifteen (15) calendar days. Where no time extension has been requested and granted, it shall be presumed that the agency has no comment.

[2] The AGMES is authorized to delegate to or obtain assistance from any AEC unit or organization reporting to or through the General Manager (GM) in carrying out the AGMES' responsibilities under this part.

(2) Comments on the draft environmental statement from members of the public shall be considered in the final environmental statement if received by the Director, EA, within forty-five (45) calendar days from the date of publication of the notice of the availability of the draft statement in the FEDERAL REGISTER.

§ 11.33 Public hearings.

(a) A public hearing on a proposed action covered by a draft environmental statement shall be held when the Commission determines that a public hearing would be appropriate and in the public interest.

(b) If it is determined as set forth in paragraph (a) of this section that a public hearing is to be held, the Commission will cause to be issued a notice in the FEDERAL REGISTER specifying the type of hearing and its location at least fifteen (15) calendar days prior to the time of such hearing.

§ 11.35 Preparation of final environmental statements.

(a) As soon as practicable after the expiration of the period for comments, the appropriate Headquarters Division Director shall prepare a final environmental statement and summary sheet taking into account all comments received during the time period.

(b) The last section of the final environmental statement should summarize the comments received and should describe the disposition of issues identified in the comments as more fully discussed in § 11.55(c), section X of the statement.

(c) The final environmental statement and summary sheet shall be submitted by the appropriate Headquarters Division Director to the Director, EA.

§ 11.37 Internal review of final environmental statements.

(a) The Director, EA, shall transmit a copy of the final environmental statement and summary sheet to OGC for review. EA and OGC should be assisted in their review by an interdisciplinary committee, chaired by EA and composed of such representatives of Headquarters divisions and offices as the Director, EA, deems appropriate.

(b) Upon completion of this review, the Director, EA, shall transmit the final environmental statement and summary sheet through the AGMES and the General Manager to the Commission for approval.

(c) Upon General Manager and Commission approval, the General Manager shall sign the final environmental statement as the responsible agency official.

§ 11.39 Availability of final environmental statements.

(a) The Director, EA, shall make available to the CEQ ten (10) copies of the final environmental statement and summary sheet together with copies of all substantive comments received from Federal, State, and local agencies and from the public.

(b) The Director, EA, shall transmit a copy of the final environmental statement and summary sheet together with copies of all substantive comments received (1) to all Federal, State, and local agencies from which comments were solicited, and (2) to all others who submitted timely substantive comments on the draft environmental statement.

(c) The Director, EA, shall (1) provide notice of the availability of copies of the final environmental statement in the FEDERAL REGISTER and (2) arrange for the availability of copies at appropriate AEC offices and at appropriate State, regional, and metropolitan clearinghouses, as listed in the FEDERAL REGISTER notice.

§ 11.41 Timing for AEC actions.

Unless approval is given by the General Manager after consultation with CEQ, no AEC action subject to this part and covered by an environmental statement shall be taken sooner than ninety (90) calendar days after a draft environmental statement has been distributed or sooner than thirty (30) calendar days after the final environmental statement has been distributed. If the final environmental statement is filed within ninety (90) calendar days after the draft environmental statement has been circulated and made public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

Subpart C—General Guidance for Content of Environmental Statements

§ 11.51 Cover sheet.

The cover sheet shall indicate the type of statement (draft or final), the official project description, the date of statement availability, and the signature of the responsible official.

§ 11.53 Summary sheet.

The summary sheet shall conform to the format prescribed in Appendix I of the CEQ guidelines.

§ 11.55 Body of statement.

(a) Each environmental statement should be prepared in accordance with the precept in section 102(2)(C) of the National Environmental Policy Act of 1969 that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision-making which may have an impact on man's environment." The statement should be an objective and meaningful evaluation of actions and their reasonable alternatives in light of all environmental considerations. The presentation should be simple and concise, including or referencing relevant data, information, and analyses necessary to permit evaluation and appraisal of the anticipated benefits and the environmental effects of the proposed AEC action and its reasonable alternatives. Many evaluations of environmental impact will involve measurements, analyses, calculations, and design drawings much too voluminous to be included in an environmental statement of workable length. In these cases, it will not be possible for the reader to make a completely independent evaluation of environmental impact from the statement itself. However, it should be possible for the reader to understand, from the text combined with the references, the types of impact which have been considered, the general methods of evaluation used and the types of data behind them, and the conclusions reached.

(b) Opposing views should be discussed or referred to wherever appropriate. Statements should not be drafted in a style which requires extensive scientific or technical expertise to comprehend.

(c) Each statement ordinarily shall contain the following sections:

I. Summary. This section should briefly and concisely summarize the information set forth in each of the other sections of the environmental statement.

II. *Background*—A. *Detailed description.* This subsection should fully describe the proposed action. Figures, maps, tables, and pictures should included, as appropriate. Among those factors to be considered in preparing this subsection are location and duration of proposed action; major objective(s) sought; background information necessary to place proposed action in proper perspective; its relationship to other projects and proposals, including those of other government and private organizations; and overall physical description, emphasizing features with environmental significance and controls taken to assure adequate design and function and minimum adverse environmental impact.

B. *Anticipating benefits.* This subsection should fully describe and analyze the need for the proposed action. In so doing, it should document the full range of benefits—technological, economic, political, environmental, social, etc.—expected to be derived from the proposed action.

C. *Characterization of the existing environment.* This subsection should fully describe the environmental features of the area in which the proposed action will be involved with emphasis on those features, beneficial as well as adverse, that specifically relate to the proposed action.

III. *Environmental impact.* This section should fully assess the environmental impact of the proposed action on those environmental features characterized in subsection II.C. In so doing, it should describe those effects on the environment, beneficial as well as adverse, which could be caused by the proposed action, evaluate the magnitude and importance of each such effect, and identify the time frames in which these effects are anticipated. It should also describe the measures which will be taken to prevent, eliminate, reduce, or compensate for any environmentally detrimental aspects of the proposed action.

IV. *Unavoidable adverse environmental effects.* This section should fully assess those adverse effects on the environment which probably would be caused by the proposed action and which probably cannot be avoided if the action is implemented. It should indicate the magnitude and importance of each such effect.

V. *Alternatives.* This section should assess the full range of reasonable alternatives to the proposed action and their environmental

impact. In particular, alternatives specifically formulated with environmental quality objectives in mind should be discussed, e.g., pollution control equipment on a nuclear plant. The specific alternative of taking no action always should be evaluated. The assessment of alternatives should not be limited to measures which the agency has authority to adopt, but should include a meaningful discussion of all reasonable alternatives to the proposed action. A more detailed analysis should be made of the environmental impact of alternatives within the same time frame of the proposed action than for those alternatives within different time frames.

VI. *Relationship between short-term uses and long-term productivity.* This section should fully assess the cumulative and long-term environmental effects of the proposed action from the perspective that each generation is trustee of the environment for succeeding generations. This involves consideration of the present condition and use of the site of the proposed action, its use if the proposed action is implemented, and the longer-term prospects for other uses. In particular, the desirability of the proposed action should be weighed to guard against shortsighted foreclosure of future options or needs. Special attention should be given to effects which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the reasons the proposed action is believed to be justified now, rather than reserving a long-term option for other alternatives, including no use, should be explained.

VII. *State, local, or regional conflicts.* This section should fully identify any known or potential conflicts with States, regional, or local plans and programs.

VIII. *Irreversible and irretrievable commitments of resources.* This section should fully assess the extent to which the action curtails the diversity and range of beneficial uses of the environment. Uses of renewable and nonrenewable resources during the initial and continued phases of the action should be discussed.

IX. *Cost-benefit analysis.* This section should present an analysis which considers and balances the environmental and other costs of the proposed action and the alternatives reasonably available for reducing or avoiding adverse environmental effects (even at the expense of reduced project objectives) as well as the environmental, economic, technical, and other benefits of the proposed action. In this connection, the analysis should indicate the extent these benefits could be realized by following reasonable alternatives that would avoid some or all of the adverse environmental effects of the proposed action. The analysis should, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they should be discussed in qualitative terms. In any event, the analysis should be sufficiently detailed and rigorous to permit independent evaluation of the benefits and environmental risks of both the proposed action and each alternative, so that an informed judgment may be made about the wisdom of undertaking the proposed action rather than one of the alternatives (including the alternative of no action). On the basis of the foregoing, the statement should contain a conclusion as to whether, after weighing the environmental, economic, technical, and other benefits against the environmental, economic, technical, and other costs and after considering the reasonably available alternatives and their benefits and costs, the proposed action should be taken.

X. *A discussion of substantive comments made by other Federal, State, and local agencies and by private organizations and individuals in the review process.* This section, to be included in the final statement, should summarize the substantive comments made by reviewing organizations and persons and should describe the disposition of issues surfaced. In particular, this section should address in detail the major issues raised when the Agency position is at variance with recommendations and objections and should explain the reasons specific comments could not be accepted. All substantive comments received on the draft should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in this section or elsewhere in the text of the statement.

Dated this 27th day of June 1972.

R. E. HOLLINGSWORTH,
General Manager.

[FR Doc.72-10141 Filed 7-3-72;8:52 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-758]

PART 545—OPERATIONS

Satellite Offices

JUNE 27, 1972.

Resolved that, notice and public procedure having been duly afforded (37 F.R. 3549) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of providing for the establishment and operation by Federal savings and loan associations of an additional type of office facility to increase the viability of such associations in promoting thrift and housing financing. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by adding a new § 545.14–5, immediately following present § 545.14–4, to read as follows, effective July 15, 1972:

§ 545.14–5 Satellite office.

(a) *Nature of a satellite office.* An office of a Federal association which is not its home office or a branch office approved pursuant to § 545.14 shall be deemed to be a satellite office if it meets the requirements of a satellite office as described in this section and if it is a satellite of the association's home office or a branch office in that it is located in the primary service area, as determined by the Board or Supervisory Agent, of such home office or branch office. Any business of a Federal association, as authorized by the association's board of directors, may be transacted at a satellite office.

(b) *General provisions.* A Federal association shall not establish a satellite office without prior approval by the Board or its Supervisory Agent, as provided in this section. All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant association is located or any other officer or employee of such bank designated by the Board as agent as provided in § 501.10 or § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with applications for permission to establish a satellite office shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) A satellite office is a convenience facility and, except for a satellite office which meets the requirements of subdivision (v) of this subparagraph, shall be located wholly within premises principally occupied by a retail sales establishment such as a department store or supermarket and shall be operated in conformity with the following physical requirements:

(i) The satellite office shall be wholly in the interior of the premises and shall not be accessible by a separate outside entrance;

(ii) A satellite office shall not occupy more than 500 square feet of floor space. Provision shall not be made for more than four teller stations or, in the case of a fully or partly automated satellite office, the equivalent of four teller stations, as determined by the Board or Supervisory Agent at time of approval;

(iii) A satellite office shall not occupy more than one-third of the total floor space of the premises in which it is located; and

(iv) Any outside sign or other display or window display on behalf of the satellite office shall be subordinate to other signs and displays.

(v) A fully automated satellite office is one which is to be operated wholly by machines and without tellers or other personnel to handle transactions with the public. Such a satellite office is not required to be located within premises principally occupied by a retail sales establishment but, in addition, may be located in a shopping center, office building, or transportation terminal. A fully automated satellite office not located within a retail sales establishment is not subject to the requirements of subdivisions (i) through (iv) of this subparagraph except the requirement relating

to the equivalent of four teller stations.

(2) The operating Federal association may terminate the operation of a satellite office in its discretion and, if so terminated, such satellite office may not be reopened except upon a new application pursuant to this section.

(3) The operation of a satellite office may not be changed to a new location (other than a change of location within the same premises) except upon a new application pursuant to this section.

(4) The operation of a satellite office shall not be continued for a period of longer than 5 years (or such shorter period as may be specified by the Board in its approval) from its initial opening except upon approval of a new application pursuant to this section. Paragraph (f) of this section, however, shall not be applicable to a renewal. The Board reserves the right to disapprove any such renewal application if in its opinion the continued operation of the satellite office is not in the public interest. A renewal application may be approved by the Board without a time limit on the future operation of the satellite office or with such time limit as the Board may determine.

(5) A Federal association may not operate more than five satellite offices at any one time, and may not file applications for more than two such offices in any 12-month period. An application which has been disapproved shall be disregarded in determining compliance with the preceding sentence.

(6) No satellite office may be located either (i) more than 5 miles from, or (ii) outside the primary service area of, the Federal association's home or branch office of which it is a satellite. No satellite office may be located outside of the State in which the Federal association's home office is located, unless such office is to be a satellite of a branch office located outside of such State.

(7) A drive-in or pedestrian facility established or approved pursuant to § 545.14–1 shall not be considered as a satellite office, except as otherwise determined by the Board with respect to a particular geographical area.

(8) A Federal association may not enter into an agreement of any kind for the exclusive right to operate satellite offices in a specified area at all or a majority of all locations of a retail chain of any kind, or under which other financial institutions would be excluded from operating satellite offices or other facilities at locations of a retail chain where such Federal association does not have a satellite office.

(9) The board of directors shall have full authority to fix the hours of operation of a satellite office without regard to the provisions of any law governing the hours of operation of savings and loan associations.

(d) *Application form; supporting information.* An application for permission to establish a satellite office shall be in form prescribed by the Board and may be obtained from the Supervisory Agent. Information shall be furnished in support of the application designed to show: (1) that the proposed satellite office will be located in the primary service area of an existing branch or the home office of the applicant association, and (2) that the operation of the proposed satellite office will not cause undue injury to properly conducted existing local thrift and home-financing institutions.

(e) *Supervisory objection.* No application for permission to establish a satellite office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(f) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish a satellite office is complete, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the satellite office at its proposed location, a notice of the filing of the application in the following form:

NOTICE OF FILING APPLICATION FOR PERMISSION TO ESTABLISH A SATELLITE OFFICE

Notice is hereby given that, pursuant to the provisions of § 545.14–5 of the Rules and Regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association, _____, _____, has filed
(*City*) (*State*)
an application for permission to establish a satellite office at, or in the immediate vicinity of, _____, _____, _____. The application has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, _____, _____. Any person may
(*City*) (*Street Address*) (*City*)
file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communications should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid Office of the Supervisory Agent.

_____ Federal Savings and Loan Association _____

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the Office of the Supervisory Agent designated in the notice, communications, including briefs, in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or may waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(g) *Approval by Supervisory Agent.* The Supervisory Agent is authorized to approve, on behalf of the Board, an application for permission to establish a satellite office if the following conditions have been met:

(1) No protests have been made to the approval of the application;

(2) The Supervisory Agent is of the opinion that the satellite office will be located in the primary service area of existing branch or the home office of the applicant association;

(3) The Supervisory Agent is of the opinion that the operation of the satellite office at its proposed location will not cause undue injury to properly conducted existing local thrift and home-financing institutions;

(4) In the opinion of the Supervisory Agent, the business of the retail establishment referred to in paragraph (c)(1) of this section is not inappropriate to the operation of a savings and loan activity in the same location;

(5) Operation of the satellite office will not cause the limitation in paragraph (c) of this section on the number of such offices to be exceeded; and

(6) There is no supervisory objection to approval of the application.

The Supervisory Agent shall disapprove any application which does not meet the requirements of subparagraph (5) of this paragraph, but shall forward to the Board for its consideration, together with his recommendation, any application which does not meet the other requirements of this paragraph. In addition, the Supervisory Agent shall forward to the Board an application which, in his opinion, should be approved for a shorter period than the 5-year limit specified in paragraph (c) of this section, together with his recommendation as to the shorter period for which the application should be approved. The

Supervisory Agent is not required, in approving an application under this section, to obtain assurance that the requirements of subdivisions (i) through (iv) of paragraph (c)(1) of this section will be met, since such requirements are continuing requirements to be observed by the Federal association.

(h) *Oral argument*—(1) *General provisions.* Oral argument on the merits of any application filed pursuant to this section shall be heard upon the written request of an applicant or of any person who has filed a communication in protest of an application within the time specified in subparagraph (3) of paragraph (f) of this section, if such request is received by the Supervisory Agent within 10 days after the expiration of the time specified in paragraph (f)(3) of this section for filing communications in protest of an application. Such oral argument shall also be heard if the Supervisory Agent, after review of the application and all pertinent information, considers it desirable. When oral argument is to be held, the Supervisory Agent shall mail a notice, fixing the time and place thereof, to the applicant and to all persons who have filed a communication in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of the notice.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, shall have authority to hear oral argument and determine all matters relating to the conduct of such argument. The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application. A reasonable time shall be allowed for oral argument, but, unless waived, not less than 1 hour shall be allowed for all oral argument against an application and not less than 1 hour shall be allowed for all oral argument in favor of an application. A transcript shall be made of any oral argument and shall be included in the application file.

(i) *Reports.* Each Federal association shall furnish such reports to the Board with respect to the operation of each satellite office as the Board may require including a report on procurement of marketing data from accountholders.

(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 provides new authority for Federal savings and loan associations and since the Board has determined it to be in the public interest that such new authority be implemented without undue delay, the Board hereby finds, pursuant to 12 CFR 508.14 and 5 U.S.C. 553(d), that there is good cause for not delaying the effective date of the amendment for the 30-day period following publication specified in said provisions; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-10221 Filed 7-3-72;8:51 am]

SUBCHAPTER E—DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

[No. 72-759]

PART 582—OFFICES

Satellite Offices

JUNE 27, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 582 of the rules and regulations for District of Columbia savings and loan associations and branch offices (12 CFR Part 582) for the purpose of providing for the establishment and operation by District of Columbia associations of an additional type of office facility to increase the viability of such associations in promoting thrift and housing financing. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 582 by adding a new § 582.1–1, immediately following present § 582.1, to read as follows, effective July 15, 1972:

§ 582.1–1 Satellite office.

(a) *Nature of a satellite office.* An office of a District of Columbia association which is not its home office or a branch office approved pursuant to § 582.1 shall be deemed to be a satellite office if it meets the requirements of a satellite office as described in this section and if it is a satellite of the association's home office or a branch office in that it is located in the primary service area, as determined by the Board or Supervisory Agent, of such home office or branch office. Any business of a District of Columbia association, as authorized by the association's board of directors, may be transacted at a satellite office.

(b) *General provisions.* A District of Columbia association shall not establish a satellite office without prior approval by the Board or its Supervisory Agent, as provided in this section. All requests by a District of Columbia association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant association is located or any other officer or employee of such bank designated by the Board as agent as provided in § 501.10 or § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with applications for permission to establish a satellite office shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) A satellite office is a convenience facility and, except for a satellite office which meets the requirements of subdivision (v) of this subparagraph, shall be located wholly within premises principally occupied by a retail sales establishment such as a department store or supermarket and shall be operated in conformity with the following physical requirements:

(i) The satellite office shall be wholly in the interior of the premises and shall not be accessible by a separate outside entrance;

(ii) A satellite office shall not occupy more than 500 square feet of floor space. Provision shall not be made for more than four teller stations or, in the case of a fully or partly automated satellite office, the equivalent of four teller stations, as determined by the Board or Supervisory Agent at time of approval;

(iii) A satellite office shall not occupy more than one-third of the total floor space of the premises in which it is located; and

(iv) Any outside sign or other display or window display on behalf of the satellite office shall be subordinate to other signs and displays.

(v) A fully automated satellite office is one which is to be operated wholly by machines and without tellers or other personnel to handle transactions with the public. Such a satellite office is not required to be located within premises principally occupied by a retail sales establishment but, in addition, may be located in a shopping center, office building, or transportation terminal. A fully automated satellite office not located within a retail sales establishment is not subject to the requirements of subdivisions (i) through (iv) of this subparagraph except the requirement relating to the equivalent of four teller stations.

(2) The operating District of Columbia association may terminate the operation of a satellite office in its discretion and, if so terminated, such satellite office may not be reopened except upon a new application pursuant to this section.

(3) The operation of a satellite office may not be changed to a new location (other than a change of location within the same premises) except upon a new application pursuant to this section.

(4) The operation of a satellite office shall not be continued for a period of longer than 5 years (or such shorter period as may be specified by the Board in its approval) from its initial opening except upon approval of a new application pursuant to this section. Paragraph (f) of this section, however, shall not be applicable to a renewal. The Board reserves the right to disapprove any such renewal application if in its opinion the

continued operation of the satellite office is not in the public interest. A renewal application may be approved by the Board without a time limit on the future operation of the satellite office or with such time limit as the Board may determine.

(5) A District of Columbia association may not operate more than five satellite offices at any one time, and may not file applications for more than two such offices in any 12-month period. An application which has been disapproved shall be disregarded in determining compliance with the preceding sentence.

(6) No satellite office may be located either (i) more than 5 miles from, or (ii) outside the primary service area of, the District of Columbia association's home or branch office of which it is a satellite. No satellite office may be located outside of the District of Columbia, unless such office is to be a satellite of a branch office located outside of the District of Columbia.

(7) A drive-in or pedestrian facility established or approved pursuant to § 582.1–1 shall not be considered as a satellite office.

(8) A District of Columbia association may not enter into an agreement of any kind for the exclusive right to operate satellite offices in a specified area at all or a majority of all locations of a retail chain of any kind, or under which other financial institutions would be excluded from operating satellite offices or other facilities at locations of a retail chain where such District of Columbia association does not have a satellite office.

(9) The board of directors shall have full authority to fix the hours of operation of a satellite office without regard to the provisions of any law governing the hours of operation of savings and loan associations.

(d) *Application form; supporting information.* An application for permission to establish a satellite office shall be in form prescribed by the Board and may be obtained from the Supervisory Agent. Information shall be furnished in support of the application designed to show (1) that the proposed satellite office will be located in the primary service area of an existing branch or the home office of the applicant association, and (2) that the operation of the proposed satellite office will not cause undue injury to properly conducted existing local thrift and home-financing institutions.

(e) *Supervisory objection.* No application for permission to establish a satellite office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(f) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish a satellite office is complete, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the satellite office at its proposed location, a notice of the filing of the application in the following form:

NOTICE OF FILING APPLICATION FOR PERMISSION TO ESTABLISH A SATELLITE OFFICE

Notice is hereby given that, pursuant to the provisions of § 582.1–1 of the rules and regulations for District of Columbia associations and Branch Offices, the _____ Association of the District of Columbia, has filed an application for permission to establish a satellite office at, or in the immediate vicinity of, _____ (Street Address), Washington, D.C. The application has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____ (City) _____ (Street Address), _____ (City). Any person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communications should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid Office of the Supervisory Agent.

_____ Association.

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or may waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(g) *Approval by Supervisory Agent.* The Supervisory Agent is authorized to approve, on behalf of the Board, an application for permission to establish a satellite office if the following conditions have been met:

(1) No protests have been made to the approval of the application;

(2) The Supervisory Agent is of the opinion that the satellite office will be located in the primary service area of an existing branch or the home office of the applicant association;

(3) The Supervisory Agent is of the opinion that the operation of the satellite office at its proposed location will not cause undue injury to properly conducted existing local thrift and home-financing institutions;

(4) In the opinion of the Supervisory Agent, the business of the retail establishment referred to in paragraph (c)(1) of this section is not inappropriate to the operation of a savings and loan activity in the same location;

(5) Operation of the satellite office will not cause the limitation in paragraph (c) of this section on the number of such offices to be exceeded; and

(6) There is no supervisory objection to approval of the application.

The Supervisory Agent shall disapprove any application which does not meet the requirements of subparagraph (5) of this paragraph, but shall forward to the Board for its consideration, together with his recommendation, any application which does not meet the other requirements of this paragraph. In addition, the Supervisory Agent shall forward to the Board an application which, in his opinion, should be approved for a shorter period than the 5-year limit specified in paragraph (c) of this section, together with his recommendation as to the shorter period for which the application should be approved. The Supervisory Agent is not required, in approving an application under this section, to obtain assurance that the requirements of subdivisions (i) through (iv) of paragraph (c)(1) of this section will be met, since such requirements are continuing requirements to be observed by the Federal association.

(h) *Oral argument*—(1) *General provisions.* Oral argument on the merits of any application filed pursuant to this section shall be heard upon the written request of an applicant or of any person who has filed a communication in protest of an application within the time specified in subparagraph (3) of paragraph (f) of this section, if such request is received by the Supervisory Agent within 10 days after the expiration of the time specified in paragraph (f)(3) of this section for filing communications in protest of an application. Such oral argument shall also be heard if the Supervisory Agent, after review of the application and all pertinent information, considers it desirable. When oral argument is to be held, the Supervisory Agent shall mail a notice, fixing the time and place thereof, to the applicant

and to all persons who have filed a communication in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of the notice.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, shall have authority to hear oral argument and determine all matters relating to the conduct of such argument. The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application. A reasonable time shall be allowed for oral argument, but, unless waived, not less than 1 hour shall be allowed for all oral argument against an application and not less than 1 hour shall be allowed for all oral argument in favor of an application. A transcript shall be made of any oral argument and shall be included in the application file.

(i) *Reports.* Each District of Columbia association shall furnish such reports to the Board with respect to the operation of each satellite office as the Board may require, including a report on procurement of marketing data from accountholders.

(Sec. 5, 48 Stat. 132, as amended, sec. 8, 48 Stat. 134 ,as added by sec. 913, 84 Stat. 1815; 12 U.S.C. 1464, 1466a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071)

Resolved further that, since the issues involved in the above amendment were the subject of notice and public procedure in connection with a companion amendment relating to Federal savings and loan associations (37 F.R. 3549), and the above amendment would not remove any existing authority of District of Columbia savings and loan associations, the Federal Home Loan Bank 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 since the above amendment provides new authority for such associations and since the Board has determined it to be in the public interest that such new authority be implemented without undue delay, the Board hereby finds, pursuant to 12 CFR 508.14 and 5 U.S.C. 553(d), that there is good cause for not delaying the effective date of the amendment for the 30-day period following publication specified in said provisions; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-10220 Filed 7-3-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 72-EA-35]

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

Alteration of Control Zone and Transition Area

On page 9489 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published proposed regulations which would alter the Charlottesville, Va., Control Zone (37 F.R. 2069) and Transition Area (37 F.R. 2169).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 16, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Charlottesville, Va., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center 38°08'25" N., 78°27'09" W. of Charlottesville-Albemarle Airport, Charlottesville, Va., and within 2.5 miles each side of the 022° bearing from the Charlottesville RBN, extending from the 5-mile radius zone to 2 miles north of the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Charlottesville, 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 38°08'25" N., 78°27'09" W. of Charlottesville-Albemarle Airport, Charlottesville, Va., extending clockwise from a 340° bearing to a 072° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 072° bearing to a 166° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 233° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 280° bearing from the airport; within a 19.5-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 340° bearing from the airport and within 3 miles each side of the 202° bearing from the Charlottesville RBN, extending from the 13-mile radius arc to 8.5 miles south of the RBN, excluding the portion that coincides with the Weyers Cave, Va. transition area.

[FR Doc.72-10168 Filed 7-3-72;8:46 am]

[Airspace Docket No. 72-EA-37]

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

Alteration of Transition Area

On page 9489 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published a proposed rule which would alter the Gordonsville, Va., Transition Area (37 F.R. 2201).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 16, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Gordonsville, 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 7-mile radius of the center 38°09'21" N., 78°09'59" W. of Gordonsville Municipal Airport, Gordonsville, Va., and within 2 miles each side of the Gordonsville VORTAC 356° radial, extending from the 7-mile radius area to the VORTAC.

[FR Doc.72-10169 Filed 7-3-72;8:46 am]

[Airspace Docket No. 72-EA-38]

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

Alteration of Transition Area

On page 9490 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published a proposed rule which would alter the South Boston, Va., Transition Area (37 F.R. 2287).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 20, 1972.

GEORGE M. GARY,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the South Boston, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above this surface within a 6.5-mile radius of the center 36°42'45" N., 78°51'00" W. of William M. Tuck Airport, South Boston, Va., and within 2 miles each side of the South Boston VORTAC 076° radial, extending from the 6.5-mile-radius area to the VORTAC.

[FR Doc.72-10170 Filed 7-3-72;8:46 am]

[Airspace Docket No. 72-EA-41]

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

Alteration of Transition Area

On page 9490 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published a proposed rule which would alter the Westminister, Md., transition area (37 F.R. 2303).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 20, 1972.

GEORGE M. GARY,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Westminster, 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 6.5-mile radius of the center 39°36'15" N., 77°00'15" W. of Westminster Airport, Westminster, Md.; within an 8-mile radius of the center of the airport, extending clockwise from a 035° bearing from the airport to a 085° bearing from the airport and within 1.5 miles each side of the Westminster VORTAC 350° radial, extending from the 6.5-mile-radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

[FR Doc.72-10171 Filed 7-3-72;8:47 am]

[Airspace Docket No. 72-EA-55]

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

Alteration of Control Zone

On page 9493 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published a proposed regulation which would alter the Willow Grove, Pa., Control Zone (37 F.R. 2140).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c)), Department of Transportation Act. 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 21, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Willow Grove, Pa., control zone the word "Sunday." and insert the following in lieu thereof, "Sunday or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[FR Doc.72-10175 Filed 7-3-72;8:47 am]

[Airspace Docket No. 72-EA-45]

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

Alteration of Transition Area

On page 9491 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published a proposed rule which would alter the Easton, Md., Transition Area (37 F.R. 2186).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 21, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Easton, 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 6.5 mile radius of the center 38°48'30" N., 76°04'30" W. of Easton Municipal Airport, and within 3 miles each side of the 038° bearing from the Easton, Md., RBN 38°48'25" N., 76°04'05" W., extending from the 6.5-mile-radius area to 8.5 miles northeast of the RBN.

[FR Doc.72-10173 Filed 7-3-72;8:47 am]

[Airspace Docket No. 72-EA-42]

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

Alteration of Transition Area

On page 9491 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published a proposed rule which would alter the Frederick, Md., Transition Area (37 F.R. 2197).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 21, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.71 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Frederick, Md., 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 39°25'00" N., 77°22'30" W. of Frederick Municipal Airport, Frederick, Md.; within a 16-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 350° bearing from the airport and within 3 miles each side of the Frederick VOR 032° radial, extending from the 8-mile radius area to 8.5 miles northeast of the VOR, excluding the portion within P-40.

[FR Doc.72-10172 Filed 7-3-72;8:47 am]

[Airspace Docket No. 72-EA-46]

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

Alteration of Transition Area

On page 9491 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published a proposed rule which would alter the Fulton, N.Y., Transition Area (37 F.R. 2198).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 16, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding a 1,200-foot floor transition area to the description of the Fulton, N.Y., Transition Area as follows:

That airspace extending upward from 1,200 feet above the surface within 5.5 miles each side of the Syracuse, N.Y. 344° radial extending from the VORTAC to the United States/Canadian border; and within 5 miles each side of the Watertown, N.Y., 309° radial extending from the VORTAC to the United States/Canadian border.

[FR Doc.72-10174 Filed 7-3-72;8:47 am]

[Airspace Docket No. 72-EA-51]

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

Designation of Transition Area

On page 9492 of the FEDERAL REGISTER for May 11, 1972, the Federal Aviation Administration published a proposed rule which would designate a Georgetown, Del., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 14, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 16, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Georgetown, Del., 700-foot floor transition area as follows:

GEORGETOWN, DEL.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 38°41'23" N., 75°21'38" W. of Sussex County Airport, Georgetown, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 225° radial extending from the 6.5-mile radius area to the VORTAC.

[FR Doc.72-10176 Filed 7-3-72;8:47 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 12031; Amdt. 95-221]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective July 20, 1972, as follows:

1. By amending Subpart C as follows:

From, to and MEA

Section 95.101 *Amber Federal airway 1* is amended to read in part:

Storey INT, Alaska; *Anchorage, Alaska LFR *6,700—MCA Anchorage LFR, E-bound; **8,100—MOCA; **9,000.
Anchorage, Alaska LFR; Skwentna, Alaska LFR; 4,400.
Puntilla Lake, Alaska LF/RBN; *Farewell, Alaska, LFR; *8,600—MCA Farewell LFR E-bound; *9,600—MOCA; 10,000.

Section 95.239 *Red Federal airway 39* is amended to read in part:

McGrath, Alaska LFR; Minchumina, Alaska LF/RBN; 5,000.
Minchumina, Alaska LF/RBN; Nenana, Alaska LFR; 4,600.
Nenana, Alaska LFR; Fairbanks, Alaska LFR; 3,700.

Section 95.48 *Green Federal airway 8* is amended to read in part:

Cold Bay, Alaska LFR; Marlin INT, Alaska; 4,500.
Marlin INT, Alaska; Crab INT, Alaska; (VHF/UHF Communications available 5,000 ft. and above, HF only below 5,000 ft.); 3,000.
Crab INT, Alaska; King Salmon, Alaska LFR; VHF/UHF Communications available 9,000 ft. and above, HF only below 9,000 ft.); 3,000.

Section 95.51 *Green Federal airway 11* is amended to read in part:

Marlin INT, Alaska; Port Heiden, Alaska LF/RBN; *1,900—MOCA; *3,000.

Section 95.1001 *Direct routes—U.S.* is amended to delete:

Harrison INT, Ga.; Norcross, Ga. VOR; 3,000.

Section 95.1001 *Direct routes—U.S.* is amended by adding:

Clarksville, Tenn. VOR; Claymour INT, Ky.; *1,700—MOCA; *3,000.
Vanleer INT, Tenn.; Clarksville, Tenn. VOR; *2,000—MOCA; *2,300. MAA—6,000.
Twentynine Palms, Calif. VORTAC; Goffs, Calif. VORTAC; 1,800. MAA—41,000. COP 51 GFS.
Gaviota, Calif. VORTAC; San Luis Obispo, Calif. VORTAC; 18,000. MAA—41,000. COP
San Luis Obispo, Calif. VORTAC; Big Sur, Calif. VORTAC; 18,000. MAA—41,000.
Julian, Calif. VORTAC; Bostonia INT, Calif.; 18,000. MAA—41,000.
North Bend, Oreg. VORTAC; Eugene, Oreg. VORTAC; 18,000. MAA—41,000.
Yakima, Wash. VORTAC; Pasco, Wash. VOR; 18,000. COP 58 YKM.
McCall, Idaho VORTAC; Twin Falls, Idaho VORTAC; 18,000. COP 116 MYL.
Mina, Nev. VORTAC; Battle Mountain, Nev. VORTAC; 18,000.
Battle Mountain, Nev. VORTAC; Twin Falls, Idaho VORTAC; *MEA is established with a gap in navigation signal coverage. *18,000.
Gar INT, Alaska (Control 1,400); *2,000—MOCA; Anchorage Oceanic Control, East Boundary; *3,000.
Fluke INT, Alaska (Control 1,483); Anchorage Oceanic Control, East Boundary; 3,000.
Coaldale, Nev. VOR; Lake Tahoe, Calif. VOR; 15,000. MAA—39,000.
Ventura, Calif. VOR; *25,000—MCA INT 310M rad Ventura VOR and 152M rad Los Banos VOR, Southeastbound; *INT 310M rad Ventura VOR and 152M rad Los Banos VOR; 25,000. MAA—29,000.
INT 310M rad Ventura VOR and 152M rad Los Banos VOR; Los Banos, Calif. VOR; 18,000. MAA—29,000.

Section 95.1001 *Direct routes—U.S.* is amended to read in part:

Wilma INT, Fla.; *7,000—MCA Teresa INT, E-bound; **1,400—MOCA; *Teresa INT, Fla.; **7,000.
Natchez, Miss. VOR; Via R-290 HEZ/R-180 MLU; Monroe, La. VOR; 3,000.
Kodiak, Alaska, LFR (Control 1,217); Marble INT, Alaska; 4,000.
King Salmon, Alaska LFR (Control 1,401); Herring INT, Alaska; 3,000.
Bethel, Alaska LF/RBN (Control 1,483); *2,500—MRA HF Communications required below 2,500 ft.; **1,400—MOCA; *Fluke INT, Alaska; **2,000.

Section 95.5000 *High Altitude RNAV Routes:*

From/To total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J881R is amended to read in part:
Carleton, Mich. W/P; Rosewood, Ohio VORTAC; 108.0; 54.4, Carleton, 41°10'07" N., 83°45'15" W.; 193°/013° to COP, 195°/015° to Rosewood; 18,000; 45,000.
Rosewood, Ohio VORTAC; Greentree, Ky. W/P; 127.5; 63.7, Rosewood, 39°13'36" N., 83°58'27" W.; 178°/358° to COP 176°/356° to Greentree; 18,000; 45,000.
Greentree, Ky. W/P; Lanier, Ga. W/P; 230.3; 109.3, Greentree, 36°20'28" N., 83°47'46" W.; 175°/355° to COP, 180°/360° to Lanier; 18,000; 45,000.
J895R is deleted:

Section 95.5500 *High altitude RNAV routes:*

J902R is amended to read in part:
Sherwood, Ore. W/P, Hyatt, Ore. W/P; 175.9; 85.2, Sherwood, 43°56'59" N., 122°39'57" W.; 150°/330° to COP, 152°/332° to Hyatt; 18,000; 45,000.
Hyatt, Ore. W/P, Kirkwood, Calif. W/P; 140.5; 81.7, Hyatt, 41°06'39" N., 122°03'58" W.; 152°/332° to COP, 153°/333° to Kirkwood; 18,000; 45,000.
J925R is amended to read in part:
Sand, Neb. W/P, Denver, Colo. VORTAC; 198.4; 113.4, Sand 40°40'40" N., 103°14'24" W.; 226°/046° to COP, 221°/041° to Denver; 18,000; 45,000.
J939R is amended to read in part:
Heidy, Minn. W/P, Turtle Creek, S.D. W/P; 120.6; 60.3, Heidy, 44°26'35" N., 97°19'33" W., 280°/100° to COP, 278°/098° to Turtle Creek; 18,000; 45,000.
J940R is amended by adding:
Dickeyville, Wis. W/P, O'Hare, Ill. W/P; 125.4; 62.7, Dickeyvile, 42°22'49" N., 89°12'28" W.; 109°/289° to COP, 110°/290° to O'Hare; 18,000; 45,000.
J940R is amended to read in part:

Avery, Ida. W/P, Holter, Mont. W/P; 156.6; 86.6, Avery, 47°00'35" N., 113°35'18" W.; 076°/256° to COP, 079°/259° to Holter; 18,000; 45,000.

J950R is amended to read in part:

Refinery, Tex. W/P, Scurry, Tex. W/P; 156.5; 78.3, Refinery, 31°15'42" N., 95°44'18" W.; 329°/149° to COP, 329°/149° to Scurry; 18,000; 45,000.

Scurry, Tex. W/P, Dibble, Okla. W/P; 172.6; 86.3, Scurry, 33°49'03" N., 96°55'30" W.; 331°/151° to COP, 331°/151° to Dibble; 18,000; 45,000.

J954R is deleted:

J957R is deleted:

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Seaweed INT, Wis.; *3,500—MRA; **2,000—MOCA; Muskegon, Mich., VOR; **2,500.

Muskegon, Mich., VOR; *2,100—MOCA; Saranac INT, Mich.; *2,600.

Section 95.6003 *VOR Federal airway 3* is amended to delete:

Daytona Beach, Fla., VOR via E alter; *3,500—MRA.; **1,300—MOCA; *Croaker INT, Fla., via E alter; **1,500.

Croaker INT, Fla., via E alter; *3,500—MRA; **1,100—MOCA; *Marion INT, Fla., via E alter; **2,000.

Marion INT, Fla., via E alter; *1,100—MOCA; Palm Valley INT, Fla., via E alter; *2,000.

Palm Valley INT, Fla., via E alter; *1,300—MOCA; Jacksonville, Fla., VOR via E alter; *1,600.

Jacksonville, Fla., VOR via E alter; *5,000—MRA; **1,300—MOCA; *St. Andrews INT, Ga., via E alter; **1,500.

St. Andrews INT, Ga., via E alter; *3,000—MRA; **1,200—MOCA; *Starfish INT, Fla., via E alter; **2,000.

Starfish INT, Ga., via E alter; *5,000—MRA; **1,100—MOCA; *Catherine INT, Ga., via E alter; **3,000.

Catherine INT, Ga., via E alter; *5,500—MRA; **1,500—MOCA; *Keller INT, Ga., via E alter; **2,000.

Keller INT, Ga., via E alter; *1,500—MOCA; Savannah, Ga., VOR via E alter; *2,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Brighton INT, Ind.; *2,400—MOCA; Pioneer INT, Ohio; *4,000.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Biscayne Bay, Fla., VOR; *1,300—MOCA; Westland INT, Fla.; *2,000.

Lafayette, Ind., VOR; *2,100—MOCA; Chicago Hgts., Ill., VOR; *2,500.

*Niles INT, Ill.; *3,000—MCA Niles INT, northbound; Evanston INT, Ill.; 3,000.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Ling INT, Calif.; *2,800—MCA Wilmington INT, westbound; *Wilmington INT, Calif.; 3,200.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Leeville, La., VOR; *1,600—MOCA; Pirate INT, La.; *2,500.

Herman INT, Mich.; *3,200—MOCA; Houghton, Mich., VOR; *3,600.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Naperville, Ill., VOR via N alter.; *3,000—MCA Surf INT, westbound; *Surf INT, Ill., via N alter.; 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Humble, Tex. VOR via E alter.; *1,700—MOCA; Whitehall INT, Tex., via E alter.; *1,900.

Navasota, Tex. VOR; *1,600—MOCA; Washington INT, Tex.; *1,900.

Washington INT, Tex.; *1,700—MOCA; College Station, Tex., VOR; *1,900.

Independence INT, Tex. via W alter.; *1,800—MOCA; College Station, Tex., VOR via W alter.; *1,900.

College Station, Tex. VOR via W alter.; Anthony INT, Tex., via W alter.; 1,800.

Anthony INT, Tex. via W alter.; *1,800—MOCA; Gause INT, Tex., via W alter.; *2,500.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

McAllen, Tex. VOR; *1,600—MOCA; Factory INT, Tex.; *1,800. MAA—9,000.

Factory INT, Tex.; *1,500—MOCA; McCook INT, Tex.; *1,800. MAA—9,000.

Austin, Tex. VOR; *4,000—MRA; **2,200—MOCA; *Georgetown INT, Tex.; **2,500.

Georgetown INT, Tex.; *2,200—MOCA; Walburg INT, Tex.; *2,500.

Austin, Tex. VOR via E alter.; *2,200—MOCA; Hutto INT, Tex., via E alter.; *2,700.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Albuquerque, N.M., VOR; *11,600—MCA Santa Fe VOR, E-bound; **8,700—MOCA; *Santa Fe, N.M., VOR; **9,000.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Curtin INT, Oreg.; Eugene, Oreg., VOR; SE-bound, 6,000; NW-bound, 4,000.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Albacore INT, Calif., *2,700—MCA Fermin INT, NW-bound; *Fermin INT, Calif.; 2,100.

Fermin INT, Calif., *2,700—MCA Hermosa INT, SE-bound; *Hermosa INT, Calif.; 3,200.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

St. Petersburg, Fla., VOR via W alter.; *4,000—MRA; *5,000—MCA Crayfish INT, N-bound; **1,400—MOCA; *Crayfish INT, Fla., via W alter.; **2,000.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Elkins, W. Va., VOR; Tygart INT, W. Va.; 5,000.

Tygart INT, W. Va.; Morgantown, W. Va., VOR; 4,000.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

Flint, Mich., VOR; *2,600—MOCA; Plains INT, Mich.; *3,000.

Section 95.6049 *VOR Federal airway 49* is amended to read in part:

Rountree INT, Ala., *2,200—MOCA; Decatur, Ala., VOR; *3,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Lafayette, Ind., VOR; *2,100—MOCA, Chicago Hgts., Ill., VOR; *2,500.

Section 95.6064 *VOR Federal airway 64* is amended to read in part:

Ling INT, Calif.; *2,800—MCA Wilmington INT, W-bound; *Wilmington INT, Calif.; 3,200.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Natchez, Miss., VOR; *4,000—MRA; **1,800—MOCA; *Baskin INT, La.; **3,000.

Baskin INT, LA.; *1,900—MOCA; Monroe, La. LOM; *2,000.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

St. Petersburg, Fla., VOR via W alter.; *4,000—MRA; **1,400—MOCA; *Crayfish INT, Fla., via W alter.; **2,000.

Nelson INT, Ga.; *6,200—MOCA; Murphy INT, N.C.; *9,000.

Lafayette, Ind., VOR; *2,100—MOCA, Chicago Hgts., Ill., VOR; *2,500.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

Naperville, Ill., VOR; *3,000—MCA Surf INT, westbound; *Surf INT, Ill.; 3,000.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Porpoise INT, N.J.; *3,000—MOCA; Beach INT, N.Y.; *3,500.

Beach INT, N.Y.; *1,500—MOCA; Hampton, N.Y., VOR; *2,500.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Flamingo INT, Fla., via W alter.; *3,100—MRA; **1,500—MOCA; *Vega INT, Fla., via W alter.; **5,000.

Vega INT, Fla., via W alter.; *2,300—MRA; **1,500—MOCA; *Seminole INT, Fla., via W alter.; **3,100.

Section 95.6173 *VOR Federal airway 173* is amended to delete:

Capital, Ill., VOR; *2,000—MOCA; Kenney INT, Ill.; *2,300.

Kenney INT, Ill.; Roberts, Ill., VOR; 2,500.

Roberts, Ill., VOR; *2,000—MOCA; Manteno INT, Ill.; *2,500.

Section 95.6173 *VOR Federal airway 173* is amended by adding:

Capital, Ill., VOR; *2,000—MOCA; Kenny INT, Ill.; *2,300.

Kenny INT, Ill.; *6,000—MCA Thorpe INT, NE-bound; *Thorpe INT, Ill.; 2,500.

Thorpe INT, Ill.; *2,300—MOCA; Herscher INT, Ill.; *6,000.

Herscher INT, Ill.; *2,000—MOCA; Manteno INT, Ill.; *2,500.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Roberts, Ill., VOR; *2,100—MOCA; Herscher INT, Ill.; *2,500.

Herscher INT, Ill.; *2,000—MOCA; Manteno INT, Ill.; *2,500.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

White Lake, La., VOR; *1,500—MOCA; Rich INT, La.; *2,000.

*Wind Lake INT, Wis.; *3,000—MRA; **2,300—MOCA; Pike INT, Wis.; **4,000.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

Naperville, Ill., VOR; *3,000—MCA Surf INT, W-bound; *Surf INT, Ill.; 3,000.

Section 95.6229 *VOR Federal airway 229* is amended to read in part:

Hartford, Conn., VOR; *2,100—MOCA; Eagle INT, Conn.; *3,000.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

Chardon, Ohio, VOR; Hadley INT, Pa.; 3,000. Hadley INT, Pa.; Franklin, Pa., VOR; 3,300.

Section 95.6233 *VOR Federal airway 233* is amended by adding:

Capital, Ill., VOR; *2,000—MOCA; Kenny INT, Ill.; *2,300. Kenny INT, Ill.; Roberts, Ill., VOR; 2,500.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Carr INT. Wash.; Lofall INT, Wash.; 5,000.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Fort Smith, Ark., VOR; *4,000—MCA Mulberry INT, NE-bound; **2,500—MOCA; *Mulberry INT, Ark.; **3,000. Mulberry INT, Ark.; *3,500—MOCA; Harrison, Ark., VOR; *4,000.

Section 95.6303 *VOR Federal airway 303* is amended to read in part:

Hot Springs, Ark., VOR; *2,900—MRA; *Avant INT, Ark.; 2,500.
Avant INT, Ark.; *4,000—MCA Blue Mountain INT, SE-bound; **3,600—MOCA; *Blue Mountain INT, Ark.; **4,500.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Porpoise INT, N.J.; *3,000—MOCA; Beach INT, N.Y.; *3,500.
Beach INT, N.Y.; *1,500—MOCA; Hampton, N.Y., VOR; *1,500.

Section 95.6452 *VOR Federal airway 452* is amended to read in part:

Woods INT, Oreg.; Kalmath Falls, Oreg., VOR, SE-bound, NW-bound; 9,000, 10,000.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

King Salmon, Alaska, VOR; *2,900—MOCA; Sugarloaf DME Fix, Alaska; *3,000.
Sugarloaf DME Fix, Alaska; *4,500—MOCA; Big Mountain INT, Alaska; *5,000.
Kenai, Alaska, VOR; Swanson DME Fix, Alaska; 2,000.
Swanson DME Fix, Alaska; Anchorage, Alaska, VOR; 2,000.

Section 95.7166 Jet route No. 166 is amended by adding:

Roswell, N.M., VORTAC; Wichita Falls, Tex., VORTAC; *18,000; 45,000.

*MEA is established with a gap in navigation signal coverage.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From; to and changeover point distance from

V-51 is amended to read in part:

Shelbyville, Ind. VOR; Lafayette, Ind. VOR; 50; Shelbyville.

V-97 is amended to read in part:

Shelbyville, Ind. VOR; Lafayette, Ind. VOR; 50; Shelbyville.

V-159 is amended to read in part:

Vero Beach, Fla VOR; Orlando, Fla. VOR; 32; Vero Beach.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on June 23, 1972.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.72-10030 Filed 7-3-72;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Transfer of Capital

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). All sections of the Foreign Direct Investment Regulations contained in CFR are preceded by the designation "1000" (e.g. § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in the explanatory material below. The abbreviations "DI" and "AFN" are used to refer to "direct investor" and "affiliated foreign national."

The Office of Foreign Direct Investments (the Office) has determined that the export credit exemption under the Federal Reserve Foreign Credit Restraint Program (FRFCRP) permits DI's to circumvent the disallowance of credit under the Foreign Direct Investment Regulations (the regulations) for certain U.S.-source transfers to a DI. DI's have been able to gain the advantages of negative transfers of capital under the regulations where there is no net inflow of capital to the United States and no coverage under the FRFCRP for the underlying U.S.-source funds. If such circumvention were to continue in substantial amount, the U.S. balance of payments position would be adversely affected.

Accordingly, the Office hereby adopts an amendment to the regulations, providing that the use of U.S.-source financing to reduce export credit extended by a DI to its AFN's will not constitute a negative transfer of capital under the regulations, if the U.S.-source financing is exempt from restraint under the FRFCRP.

Under its liberalized policy for export credit relief (announced in Memorandum for DI's dated June 16, 1972), however, the Office will make appropriate adjustments that will enable specific authorization of positive direct investment reflecting the credits extended by the DI for 1972 increases in its exports to AFN's, even if those credits are paid down by the use of the FRFCRP-exempt U.S.-source financing referred to above. To this end, the Memorandum for Direct Investors dated June 16, 1972, has been amended by adding the following paragraph at the bottom of page 4:

Where SMEC computed under the last paragraph has been reduced or limited as a result of payments (derived from United States sources) that by virtue of § 312(c)(4) or (12), as applicable commencing July 1, 1972, do not constitute transfers of capital, SMEC will be appropriately adjusted for purposes of application for merchandise export credit relief. In general, DI's may anticipate that such adjustment will provide for export credit relief within these guidelines as if SMEC were not limited or reduced by such payments.

To assure compliance with the amended regulations, DI's transferring AFN export-related paper or receivables to foreign nationals (including foreign banks and branches of U.S. banks), and AFN's borrowing from U.S. banks or other financial institutions or from foreign nationals to pay for exports, should make the following inquiries: (1) where such transaction is with a foreign national, whether a borrowing from a U.S. bank or other financial institution is made by such foreign national in connection with such transaction, and if so whether the financial institution charged such borrowing against its ceiling; (2) where an AFN borrows directly from a U.S. bank or other financial institution, whether the borrowing is charged against the FRFCRP ceiling of such financial institution. The results of such inquiries should be retained in the books and records of the DI.

Advance notice of proposed rulemaking would tend to defeat the purpose of the present amendment to the regulations, to the detriment of the U.S. balance of payments, by providing DI's a continued opportunity to engage in circumventing transactions in anticipation of the regulatory change. Hence it is found that notice and public procedures prior to promulgation would be contrary to the public interest, and that there is good cause to make this amendment effective immediately.

The text of the amendment is as follows:

Section 1000.312(c) is amended to read as follows:

§ 1000.312 Transfers of capital.

* * * * *

(c) * * *

(4) A transfer described in paragraph (b)(5) of this section unless the transfer is made (i) to a foreign national or (ii) to a bank or other financial institution certified as subject to the Federal Reserve Foreign Credit Restraint Program and the transfer is charged against the ceiling of such bank or institution under such Program: *Provided,* That on or after July 1, 1972, if the transfer is to a foreign national of a debt obligation and a borrowing from a bank or other financial institution certified as subject to such Program is made by such foreign national in order to enable such transfer, such borrowing is charged against the ceiling of such bank or institution under such Program: *And provided further,* That, if the transfer is of a debt obligation and does not constitute a transfer of capital because of this paragraph, the repayment of such debt obligation by the affiliated foreign national to a person within the United States or to such foreign national shall be deemed a transfer of capital by the affiliated foreign national.

* * * * *

(12) A transaction described in paragraph (b) (1) or (3) of this section made on or after July 1, 1972, if a borrowing from a bank or other financial institution certified as subject to the Federal Reserve Foreign Credit Restraint Program is made by the affiliated foreign national or any other foreign national in order to enable such transaction, unless such borrowing is charged against the ceiling of such bank or institution under such Program: *Provided*, That, if the transaction does not constitute a transfer of capital because of this paragraph, the repayment by the affiliated foreign national of such borrowing to such bank or other financial institution, or the repayment by the affiliated foreign national of its borrowing from another foreign national of proceeds of such borrowing from such bank or other financial institution, shall be deemed a transfer of capital by such affiliated foreign national.

* * * * *

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; H.O. 11387, Jan. 1, 1968, 33 F.R. 47)

The amendment hereby adopted shall be effective upon publication in the FEDERAL REGISTER (7-4-72) and applicable to all transactions occurring on or after July 1, 1972.

JUNE 30, 1972.

WILLIAM V. HOYT,
Director, Office of Foreign Direct Investments.

[FR Doc.72-10267 Filed 7-3-72;8:52 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8820o]

PART 13—PROHIBITED TRADE PRACTICES

Ohio Christian College et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-125 Individual or private business being: 13.15-125(e) College; 13.15-225 Personnel or staff; 13.15-255 Reputation, success, or standing; § 13.85 *Government approval, action, connection, or standards:* 13.85-5 Accreditation of correspondence courses, etc.; § 13.215 *Seals, emblems, or awards.* Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being educational, religious, or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) et al., Columbus, Ohio, Docket No. 8820, May 19, 1972]

In the Matter of Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.), a Corporation, Alpha Psi Omega Society, a Corporation, Alvin O. Langdon, Leeta O. Langdon, Gene Thompson and Jerry Weiner, Individually and as Officers of Said Corporations, and Alvin O. Langdon, an Individual Trading as National Educational Accrediting Association

Order requiring a Columbus, Ohio, correspondence school to cease using the word "college" or any similar misrepresentation, conferring any academic degrees, misrepresenting respondent as having resident classes and accredited curricula, implying that the State of Ohio or any other governmental body recognized respondents' programs, misrepresenting respondents' offer a unique method of instruction, using the name "National Educational Accrediting Association," and misrepresenting that any of respondents' businesses is a bona fide organization of guidance counselors.

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

It is ordered, That the Respondents, Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.), a corporation, and Alpha Psi Omega Society, a corporation, and their respective officers, and Alvin O. Langdon, Leeta O. Langdon, Gene Thompson and Jerry Weiner, individually, and Alvin O. Langdon, an individual trading and doing business as National Educational Accrediting Association or under any other name or names, and respondents' agents, representatives and employees, their successors or assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of correspondence courses, diplomas, certificates of membership or accreditation in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "college" or any other word or words of similar import or meaning as a part of a corporate or trade name, or in any other manner, to describe or designate any of respondents' businesses; misrepresenting, in any manner, the nature, character, or affiliation of any of respondents' businesses.

2. Conferring or offering to confer upon anyone any academic degree.

3. Representing, directly or by implication, that:

(a) Any of respondents' businesses: Offers resident classes; is accredited by a recognized accrediting agency; offers a curriculum or course of study which is accredited by a recognized accrediting agency; or has a staff of faculty members who are trained and competent to teach the courses of a properly accredited and recognized college;

(b) The diplomas offered by respondents are recognized as signifying completion of an academic course, or that the recipients of respondents' diplomas will be recognized as having satisfactorily completed a properly accredited curriculum in any field;

(c) Recipients of respondents' diplomas will be entitled to and will receive the same honors, privileges and rights that recipients of diplomas from schools accredited by a recognized accrediting agency are entitled to receive;

(d) Respondents' correspondence courses contain all of the subject matter or material, study or curriculum hours included in courses covering the same or similar subjects offered by a school accredited by a recognized accrediting agency;

(e) The State of Ohio, or any other governmental or political division, agency or body, has approved or recognized the respondents' courses, diplomas or degrees;

(f) Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) offers and is using a unique method of instruction and study that is widely approved and accepted by educational authorities; or misrepresenting, in any manner, respondents' instructional methods.

4. Using the name "National Educational Accrediting Association", or any other name or names of similar import or meaning, or representing, in any other manner, directly or by implication, that respondents' business is that of a bona fide accrediting agency for schools or that respondents have any connection of any kind with the National Education Association; misrepresenting, in any manner, the character, purpose or affiliation of any of respondents' businesses.

5. (a) Using the word "society" or any other word or words of similar import or meaning as a part of a corporate or trade name, or in any manner, to describe or designate any of respondents' businesses;

(b) Representing, directly, or by implication, that any of respondents' businesses is a bona fide organization of guidance counselors or other persons interested in the field of counseling joined together for common interest or that respondents have founded, sponsor or maintain a home for homeless boys; misrepresenting, in any manner, the nature or purpose of any of respondents' businesses or the use made of the monies received by any of respondents' businesses.

It is further ordered, That respondent Alvin O. Langdon shall forthwith: (1) Send by registered mail a copy of this order to each corporation, firm or individual granted accreditation by National Educational Accrediting Association and (2) send a copy of this order by ordinary mail to the last known address of each person awarded a diploma or degree by Ohio Christian College or holding a membership in Alpha Psi Omega Society.

It is further ordered, That the respondents notify the Commission at least thirty (30) days prior to any proposed change in either Ohio Christian College or Alpha Psi Omega Society such as dissolution, assignment or sale resulting

in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporations, or any of them, which may affect compliance obligations arising out of this order.

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

Issued: May 19, 1972.

By the Commission. Commissioner MacIntyre concurs in the result as to the individual respondents.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-10142 Filed 7-3-72;8:45 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 C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DIATOMACEOUS EARTH

The Commissioner of Food and Drugs, having evaluated data in a petition (MF-3427V) filed by Eagle-Picher Industries, Inc., American Building, Cincinnati, Ohio 45202, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of diatomaceous earth containing a maximum of 20 parts per million arsenic, as As.

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), § 121.322 *Diatomaceous earth* is amended in paragraph (b) in the specifications for arsenic by changing "not more than 1.5 parts per million as As" to read "not more than 20 parts per million as As."

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 parcularilty 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 (7-4-72).

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

Dated: June 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10134 Filed 7-3-72;8:51 am]

Title 25—INDIANS

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

PART 221—OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Ariz.

On page 10507 of the FEDERAL REGISTER of May 24, 1972, there was published a notice of intention to amend §§ 221.65, 221.66, 221.70, 221.71, 221.72, of Title 25, Code of Federal Regulations. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, nor objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

§ 221.65 Assessment, villages, towns, and schools.

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

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

§ 221.66 Modification.

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

§ 221.70 Charges.

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

§ 221.71 Time of payment.

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

§ 221.72 Conditions.

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

CHARLES D. WORTHMAN,
Acting Assistant Area Director, (Economic Development).

[FR Doc.72-10148 Filed 7-3-72;8:46 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 210—PAYMENT OF DISBURSING OFFICERS' CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES AND SIGNED IN THE NAMES OF DISBURSING OFFICERS BY DESIGNATED EMPLOYEES

PART 226—PURCHASE OF SURETY BONDS TO COVER CIVILIAN OFFICERS AND EMPLOYEES AND MILITARY PERSONNEL IN EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

Revocations

Correction

F.R. Doc. 72-9875, appearing at page 12797 of the issue for Thursday, June 29, 1972, should begin with a reference to "Public Law 92-310" instead of "Public Law 91-310".

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 809—ISSUE AND CONTROL OF IDENTIFICATION CARDS

Miscellaneous Amendments

Correction

In F.R. Doc. 72-9651 appearing at page 12619 of the issue of Tuesday, June 27, 1972, the following changes should be made:

1. In § 809.22 *Expiration date to enter in item 3, DD Form 1173 (see notes).*, a comma should be inserted in the first line of the entry in the third column opposite line 11.

2. In § 809.23 *Chart of entitlement to benefits and privileges.*, the following changes should be made:

a. In the first column, the second word of item 14c., now reading "legitmate", should read "legitimate".

b. The second line of Note 7, now ending with a period (“.”), should end with a hyphen (“-”).

c. The third line of Note 7, now ending with a hyphen (“-”), should end with a period (“.”).

SUBCHAPTER N—WAKE ISLAND

PART 935—WAKE ISLAND CODE

Correction

In F.R. Doc. 72-9461 appearing at page 12384 of the issue for Friday, June 23, 1972, the following changes should be made:

1. In the table of contents for Subpart G, the entry between §§ 935.66 and 935.68, now reading "935.55 Violations of Subparts O or P of Appeals.", should be deleted, and the following substituted: "935.67 Jurisdiction of the Court of Appeals."

2. In § 935.41(d), a comma should be inserted immediately following the word "film" in the third line.

3. In § 935.80(d), the word "therefor" in the tenth line should read "therefore".

4. In § 935.100(a), the following changes should be made: a. The second word in the fifth line, now reading "whcih", should read "which".

b. The tenth line should read as follows: "Court may direct a forfeiture of the".

5. In § 935.111 the word "groups" in the seventh line should read "grounds".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

1. *Sections 9-4.5004 Authority of Managers of Field Offices to negotiate statutory indemnity agreements, 9-4.5005, Substantial nuclear incident, and 9-4.5011, General contract authority indemnity,* all references in these sections to the "Assistant General Manager for Operations" have been changed to read the "Assistant General Manager for Administration."

2. *Section 9-5.5207-4 Radium and radium compounds.* Because of insufficient activity, the AEC's centralized radium program has been discontinued. Accordingly, this § 9-5.5207-4 is deleted.

3. *Section 9-7.5005-24 Pricing of adjustments.* This new section is added to implement FPR 1-7.101-37.

4. *Section 9-15.5008-2 Cost data.* This section is deleted and reserved to eliminate the contradiction in policy created by issuance of FPR 1-3.807-c(2) regarding the application of cost principles when costs are a factor in determining a contract price.

5. *Section 9-51.101 Headquarters review and approval of field office contract actions.* In paragraph (a)(1) of § 951.101, the references to "New York" and the "Brookhaven Office" are deleted. In paragraph (a)(3) of § 9-51.101, the reference to the "Division of Raw Materials" is changed to the "Division of Production and Materials Management."

6. *Section 9-53.106 Assigned contract prefixes.* Under the "Active Offices," "Field Installations" listing the prefix for Kansas City is corrected to read "AT(23-3)." Under the "Inactive Offices," "Field Installations" listing the prefix for Sandia is corrected to read "AT(29-3)."

7. *Section 9-53.202 Procurement office symbols.* The order prefixes for Brookhaven and Chicago are corrected.

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. Subpart 9-4.50, Indemnification of AEC Contractors, is amended as set forth below.

a. In § 9-4.5004 *Authority of Managers of Field Offices to negotiate statutory indemnity agreements,* paragraph (b) is revised to read as follows:

§ 9-4.5004 Authority of Managers of Field Offices to negotiate statutory indemnity agreements.

* * * * *

(b) Pursuant to § 9-4.5005, Managers of Field Offices are authorized to enter into a statutory indemnity agreement whenever it has been determined that a contractor in subparagraph (2) of § 9-4.5001(a) is engaged in activities involving the risk of public liability for a substantial nuclear incident. Such a determination may be based upon either the risk of liability for the occurrence of a substantial nuclear incident in the course of performance of the contract work or the risk of liability for a substantial nuclear incident caused by a product delivered to or for AEC under the contract where such product is expected to be used in connection with a facility or device not covered by a statutory indemnity agreement. If, pursuant to § 9-4.5005, a Manager of a Field Office determines that the maximum conceivable damage which could result from a nuclear incident arising in the course of a contractor's activities falls between $1 million and $60 million, he shall submit the proposed indemnification with a recommendation, and all supporting data, to the Assistant General Manager for Administration for appropriate action.

b. Section 9-4.5005, *Substantial nuclear incident,* is revised to read as follows:

§ 9-4.5005 Substantial nuclear incident.

With respect to subparagraph (2) of § 9-4.5001(a), and pursuant to the provisions of § 9-4.5004, a Manager of a Field Office may be required to determine whether a contractor's activities involve the risk of public liability for a substantial nuclear incident and thus make the contractor eligible to obtain a statutory indemnity agreement from the AEC. The determination by a Manager of a Field Office shall be based on the following criteria:

If, after a study of the maximum conceivable damage which can result from an incident arising out of or in connection with the contractor's activities, the Manager of a Field Office concludes that the maximum conceivable damage per incident to property and persons is $60 million or more, then the contractor may be found to be under a risk of public liability for a substantial nuclear incident and the Manager of a Field Office is authorized to execute a statutory indemnity agreement under such a contract. If such a study of the maximum conceivable damage indicates a figure of $1 million or less, the contractor should not be considered to have a risk of public liability for a substantial nuclear incident and, therefore, should not be made a party to a statutory indemnity agreement. If the study indicates that the maximum conceivable damage falls between $1 million and $60 million, the Manager of a Field Office will submit the proposed indemnification of such contractor to the Assistant General Manager for Administration with a recommendation and all supporting data.

The Assistant General Manager and Administration, on such a recommendation, may take one of the following actions:

(a) Determine that the contractor is under risk of public liability for a substantial nuclear incident and that the contractor should be extended a statutory indemnity agreement.

(b) Determine that the contractor should not be extended a statutory indemnity. In this case the Assistant General Manager for Administration may authorize the Manager of a Field Office to authorize the contractor to purchase nuclear liability insurance or to offer the contractor a general authority indemnity agreement.

c. In § 9-4.5011, *General contract authority indemnity,* paragraph (d) is revised to read as follows:

§ 9-4.5011 General contract authority indemnity.

* * * * *

(d) If circumstances as mentioned in paragraph (b) or (c) of this section do arise, it shall be the responsibility of the Managers of a Field Office to submit to the Assistant General Manager for Adinistration for his review and decision

all pertinent information concerning the need for or desirability of providing a general authority indemnity to an AEC contractor.

* * * * *

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

§ 9–5.5207–4 [Reserved]

2. In Subpart 9–5.52, Procurement of Special Items, § 9–5.5207–4, *Radium and radium compounds,* is deleted and reserved.

PART 9–7—CONTRACT CLAUSES

3. In Subpart 9–7.50, Use of Standard Clauses, under § 9–7.5005, *Standard FPR clauses not included in § 9–7.5004,* a new § 9–7.5005–24 is added as follows:

§ 9–7.5005–24 Pricing of adjustments.

See FPR 1–7.101–37.

PART 9–15—CONTRACT COST PRINCIPLES AND PROCEDURES

§ 9–15.5008–2 [Reserved]

4. In Subpart 9–15.50, Cost Principles and Procedures, § 9–15.5008–2, *Cost data,* is deleted and reserved.

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

5. In Subpart 9–51.1, Headquarters Review and Approval of Field Office Contract Actions, paragraphs (a) (1) and (3) of § 9–51.101, *General instructions regarding submission to Headquarters,* is revised to read as follows:

§ 9–51.101 General instructions regarding submission to Headquarters.

(a) * * *

(1) The field offices at Chicago, Richland, Nevada, Idaho, Oak Ridge, Savannah River, San Francisco, and Albuquerque will communicate directly with the Director, Division of Contracts, on all contract actions requiring Headquarters consideration.

* * * * *

(3) The Grand Junction Office will communicate directly with the Division of Production and Materials Management on all contract actions requiring Headquarters consideration.

* * * * *

PART 9–53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

6. In Subpart 9–53.100, Contracts, § 9–53.106, *Assigned contract prefixes,* is revised to read as follows:

§ 9–53.106 Assigned contract prefixes.

Prefixes for AEC contract numbers for the various field installations and headquarters divisions are set forth below:

	Contract prefix
ACTIVE OFFICES	
Field installations:	
San Francisco	AT(04–3)–
Grand Junction	AT(05–1)–
Idaho Falls	AT(10–1)–
Chicago	AT(11–1)–
Paducah	AT(15–1)–
Kansas City	AT(23–3)–
Nevada	AT(26–1)–
New Brunswick	AT(28–1)–
Los Alamos	AT(29–1)–
Albuquerque	AT(29–2)–
Brookhaven	AT(30–2)–
Schenectady	AT(30–3)–
Dayton	AT(33–1)–
Portsmouth	AT(33–2)–
Pittsburgh	AT(36–1)–
Savannah River	AT(38–1)–
Oak Ridge	AT(40–1)–
Richland	AT(45–1)–
Puerto Rico	AT(51–1)–
Headquarters:	
Headquarters Services	AT(49–1)–
General Manager	AT(49–2)–
Military Application	AT(49–3)–
Production and Materials Management	AT(49–4)–
Reactor Development and Technology	AT(49–5)–
Biomedical and Environmental Research	AT(49–7)–
Physical Research	AT(49–8)–
Personnel	AT(49–13)–
International Programs	AT(49–14)–
Space Nuclear Systems	AT(49–15)–
Management Information and Telecommunications Systems	AT(49–17)–
Contracts	AT(49–18)–
Applied Technology	AT(49–19)–
Controlled Thermonuclear Research	AT(49–20)–
Office of Information Services	AT(49–21)–
Waste Management and Transportation	AT(49–22)–
Nuclear Materials Security	AT(49–23)–
Joint AEC/NASA Space Nuclear System Office	SNSO–
Joint AEC/NASA Space Nuclear Systems Office—Nevada	SNSN–
INACTIVE OFFICES	
Field Installations:	
Los Angeles	AT(04–1)–
Berkeley	AT(04–2)–
Canoga Park	AT(04–4)–
Rocky Flats	AT(05–2)–
Hartford	AT(06–1)–
Wilmington	AT(07–1)–
Spoon River	AT(11–2)–
Iowa (Burlington)	AT(13–1)–
Ames	AT(13–2)–
Detroit	AT(20–1)–
Centerline	AT(20–2)–
St. Louis	AT(23–2)–
Princeton	AT(28–2)–
Sandia	AT(29–3)–
New York	AT(30–1)–
Lockland	AT(33–3)–
Fernald	AT(33–4)–
Pantex	AT(41–1)–
Milwaukee	AT(47–1)–
Eniwetok	AT(50–1)–
Headquarters:	
Raw Materials	AT(49–6)–
Special Projects	AT(49–9)–
Labor Relations	AT(49–10)–
Isotopes Development	AT(49–11)–
Technical Information	AT(49–12)–
Peaceful Nuclear Explosives	AT(49–16)–
Space Nuclear Propulsion	SNP–

7. In Subpart 9–53.200, Orders, § 9–53.202, *Procurement office symbols,* is revised to read as follows:

§ 9–53.202 Procurement office symbols.

The symbols assigned for the purpose of identifying AEC procurement offices on purchase orders issued by them are set forth as follows:

Procurement office:	Order prefix
Albuquerque	AL–
Brookhaven	BH–
Chicago	CH–
Dayton	DA–
Grand Junction	GJ–
Idaho Falls	ID–
Kansas City	KC–
Los Alamos	LS–
New Brunswick	NB–
Nevada	NV–
Oak Ridge	OR–
Paducah	PD–
Portsmouth	PM–
Pittsburgh	PN–
Puerto Rico	PR–
Richland	RL–
San Francisco	SF–
Savannah River	SR–
Headquarters Services	WA–

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, of Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390. 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (7–4–72).

Dated at Germantown, Md., this 27th day of June 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.72–10139 Filed 7–3–72;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT, AND SCHOLARSHIPS

Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy, and Veterinary Medicine

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart G of Part 57, which relates to the awarding of scholarship grants pursuant to section 780 of the Public Health Service Act (42 U.S.C. 295g) to public or other nonprofit schools of medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, or veterinary medicine, because for good cause it has been found that such procedures would be contrary

to the public interest in light of the delay in the passage of the amending legislation (section 106(a) of the Comprehensive Health Manpower Training Act of 1971, Public Law 92-157) and the necessity for early allocation of grant funds. There are two major changes made in this program and implemented by these regulations. First, the maximum amount for scholarship awards has been raised to $3,500 and may be awarded on an academic year basis. Second, scholarship grant funds may be allocated to schools on the basis of the greater of $3,000 multiplied by the number of full-time students of such school who are from low-income backgrounds or $3,000 multiplied by one-tenth the number of full-time students of such school. There are also included several technical and clarifying changes.

Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the regulations may be presented in writing, in triplicate, to Associate Director (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 5C12, Bethesda, MD 20014. All comments received in response to this publication will be available for public inspection and copying at the above-referred-to address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER (7-4-72).

Dated: June 6, 1972.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: June 24, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Subpart G of the table of contents of Part 57 is hereby revised to read as follows:

Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy, and Veterinary Medicine

AUTHORITY: The provisions of this Subpart G issued under sec. 780(a), 79 Stat. 1056, as amended; 42 U.S.C. 295g(d).

2. Subpart G is hereby revised to read as follows:

Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy, and Veterinary Medicine

§ 57.601 Applicability.

The regulations in this subpart are applicable to the award of grants under section 780 of the Public Health Service Act which authorizes the Secretary to make grants to public or other nonprofit schools of medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, or veterinary medicine for scholarships to be awarded annually by such school to students thereof.

§ 57.602 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare, and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "School" means a public or other nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or veterinary medicine which provides a course of study, or a portion thereof, which leads respectively to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of veterinary medicine or an equivalent degree, and which is accredited as provided in section 721(b)(1)(B) or section 775(b)(2) of the Act.

(d) "Scholarship or scholarship award" means the amount of money awarded to a student by a school as authorized by section 780(c) of the Act.

(e) "Scholarship grant" means a grant to a school for making scholarship awards as authorized by section 780(a) of the Act.

(f) "Full-time student" means a student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a degree specified in paragraph (c) of this section.

(g) "Good standing" means the eligibility of a student to continue in attendance at the school where he is enrolled as a student in accordance with the school's standards and practices.

(h) "Academic year" means the traditional, approximately 9-month September to June annual session. For the purpose of computing academic year equivalents for students who, during a 12-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of 9 months' duration.

(i) "Fiscal year" means the Federal fiscal year beginning July 1 and ending on the following 30th day of June.

(j) "National of the United States" means (1) A citizen of the United States or (2) A person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

§ 57.603 Eligibility of schools.

To be eligible for a scholarship grant under this subpart, the applicant school shall:

(a) Meet the applicable requirements of section 780(a) of the Act;

(b) Submit an application as required by § 57-604; and

(c) Be located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 57.604 Application by school.

Each school desiring a scholarship grant under section 780 of the Act shall submit an application in such form and at such time as the Secretary may require. The application shall be executed by an official authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any scholarship grant, including the regulations of this subpart.

§ 57.605 Grant award; determination of number of students.

(a) The Secretary shall award annually to each eligible school applying therefor a scholarship grant in an amount computed in accordance with section 780(b) of the Act: *Provided,* That, when the amount of funds available for any fiscal year is less than the total of the amounts so computed, the grant awarded to each participating school shall be reduced proportionately.

(b) For purposes of computing the amount of the scholarship grant to be awarded to any school for any fiscal year on the basis of one-tenth of the number of full-time students, or on the basis of the number of full-time students who are from low-income backgrounds as specified in paragraph (c) of this section, the number of full-time students of such school shall be the number which the Secretary, on the basis of information relating to the school's past and anticipated enrollment determines to be the number of such students to be enrolled in such school on October 15 of such year.

(c) For purposes of this subpart, students will be considered to be from "low-income backgrounds" if they come from families with annual incomes below levels based on low-income thresholds by family size published by the U.S. Bureau of Census, as adjusted annually for changes in the consumer price index, multiplied by a factor to be determined by the Secretary for adaptation to this program. Such factor and the income levels as adjusted will be published annually by the Secretary in the FEDERAL REGISTER.

§ 57.606 Use of funds.

(a) *Scholarship awards.* Effective July 1, 1972, except for funds transferred as provided in paragraph (b) of this section, scholarship grant funds may be obligated by the school for scholarship awards to eligible students during the 12-month period specified in the grant award document and for awarding additional scholarships to eligible students during the 12 months thereafter. Any funds not so transferred or obligated in the specified 24-month period of fund availability must be refunded to the Federal Government.

(b) *Transfer of funds.* In the case of a school which has in operation a Health Professions Student Loan Fund established with Federal Capital Contributions pursuant to section 740 of the Act, an amount not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for scholarships under section 780 of the Act and this subpart, or such larger percentage thereof as the Secretary may approve for such school for such year, may be transferred to the sums available to the school for (and shall be regarded as) Federal Capital Contributions, to be used for the same purpose as such sums.

§ 57.607 Nondiscrimination.

(a) No eligible applicant shall be denied a scholarship on the grounds of sex or creed.

(b) Attention is called to the requirements of section 799A of the Act which provides that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under title VII of the Act to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel unless the application contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs.

(c) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.), which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

§ 57.608 Eligibility and selection of scholarship recipients.

(a) *Eligibility.* Scholarships may be awarded with respect to any year only to students who are:

(1) Nationals of the United States or permanent residents of the Trust Territory of the Pacific Islands or who intend to become permanent residents of the United States, Puerto Rico, the Virgin Islands, or Guam;

(2) Enrolled and in good standing, or accepted for enrollment, in the school as full-time students; and

(3) Of exceptional financial need who need such financial assistance to pursue a course of study at the school for such year.

(b) *Selection of scholarship recipients and determination of need.* (1) It shall be the responsibility of the school to select qualified applicants and to make reasonable determinations of need.

(2) In determining whether a student is one of exceptional financial need who needs such financial assistance to pursue a course of study at the school for such year, the school shall take into consideration:

(i) The financial resources available to the student; and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's ability to attend the school on a full-time basis.

(c) *Records of approval or disapproval.* The records of the school shall indicate the basis for approval or disapproval of all or any part of each student application for a scholarship award.

§ 57.609 Maximum amount of scholarship award.

The total amount of the scholarship award to any student for an academic year may not exceed $3,500. The maximum amount of scholarship awarded during a 12-month period to any student enrolled in a school which provides a course of study longer than the 9-month academic year may be proportionately increased. However, in no case may the amount of scholarship award exceed the amount of the student's need as determined by the school in accordance with § 57.608.

§ 57.610 Payment of scholarship award.

(a) Scholarship awards shall be paid to students in such installments as are deemed appropriate by the school, except that no school shall pay any scholarship recipient more during any given installment period (e.g., semester, term, or quarter) than the school determines he needs for such period.

(b) No payment shall be made from any scholarship award to any student if at the time of such payment such student is not a full-time student as defined in § 57.602(f).

§ 57.611 Records, reports, inspection and audit.

(a) *Records and reports.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. Where applicable, such records shall include documentation regarding the determination of the number of full-time students who are from low-income backgrounds required pursuant to § 57.605(c) of these regulations. All records shall be retained for 3 years after the close of the budget period (i.e., the period of time during which the funds are available for obligation by the grantee. See § 57.606(a)). Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a scholarship grant shall constitute the consent of the applicant school to inspection and fiscal audit, by persons designated by the Secretary, of the fiscal and other records of the applicant school which relate to the grant.

§ 57.612 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the grant purposes, the interest of the public health or the conservation of grant funds.

§ 57.613 Noncompliance.

Whenever the Secretary finds that a participating school has failed in a material respect to comply with section 780 of the Act or the regulations of this subpart, he may, after reasonable notice, withhold further payments, and take such other action as he finds necessary to carry out the purposes of section 780 of the Act and these regulations. In such case no further expenditures shall be made by the school from the scholarship grant until the Secretary determines there is no longer any such failure of compliance.

[FR Doc.72-10147 Filed 7-3-72;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5223]

[New Mexico 16503 (Okla.)]

OKLAHOMA

Restoration of Lands to Ownership of Kiowa, Comanche, and Apache Tribes

By virtue of the authority contained in section 3 of the Act of June 18, 1934, 25 U.S.C. sec. 463 (1970), and pursuant

to recommendations of the Tribal Council and the Commissioner of Indian Affairs, and a finding of the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described lands, ceded by the Kiowa, Comanche, and Apache Tribes of Indians to the United States pursuant to agreement ratified by the Act of June 6, 1900, 31 Stat. 672, 676, having been reserved for use by the Bureau of Indian Affairs for school, agency, cemetery, and administrative purposes and being now not needed for such uses, are hereby restored to tribal ownership for use and benefit of the Kiowa, Comanche, and Apache Tribes of Indians subject to any valid existing rights:

INDIAN MERIDIAN

T. 7 N., R. 10 W.,
Sec. 10, lot 4;
Sec. 15, NE¼NE¼, S½NE¼, and lots 4 and 5 (excepting therefrom that certain parcel of land containing 37.29 acres conveyed to the Anadarko Commercial Club by Patent No. 181778, issued March 7, 1911).

The areas described aggregate 162.46 acres in Caddo County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 29, 1972.

[FR Doc.72-10152 Filed 7-3-72;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19161]

PART 73—RADIO BROADCAST SERVICES

Order Extending Time for Filing Responses to Petition for Reconsideration Regarding FM Broadcast Stations in Anamosa and Iowa City, Iowa

In the matter of amendment of § 73.202(b), *Table of assignments*, FM broadcast stations (Anamosa and Iowa City, Iowa), Docket No. 19161, RM-1540.

1. On June 16, 1972, public notice (Report No. 818) was given of a petition for reconsideration, filed by Communicators, Inc., of the Commission's third report and order in Docket No. 19161 (FCC 72-411), released May 12, 1972. The date for filing responses to the above petition is presently June 26, 1972.

2. On June 22, 1972, Vivid Music Enterprises (Vivid Music) filed a request for an extension of time for 2 weeks to file responses to the above petition for reconsideration. Vivid Music states that the petition was accompanied by a lengthy engineering statement and its consulting engineer requires additional time to analyze it and prepare a report thereon.

3. It appears that the requested extension is warranted. *Accordingly, it is ordered*, That the time for filing oppositions to the petition for reconsideration in Docket 19161 is extended to and including July 10, 1972.

4. This action is taken pursuant to authority found in sections 4(i), 4(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: June 26, 1972.

Released: June 27, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-10204 Filed 7-3-72;8:49 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

JUNE 28, 1972.

Section 7 of the Fishermen's Protective Act, as amended (22 U.S.C. 1977) and Reorganization Plan No. 4 of 1970, among other things, authorize the Secretary of Commerce to set fees to be charged in connection with the execution of a guarantee agreement covering certain losses due to illegal seizures by foreign governments. The Fishermen's Protective Act Procedures (50 CFR Part 258), which became effective February 9, 1969, established fees, based on anticipated losses projected from prior experience, to provide for payment of the administrative costs and at least one-third of the estimated claims to be paid from the Fishermen's Protective Fund.

The existing fee schedule, established by § 258.5 of said Procedures, provides for fees covering the period through June 30, 1972. Therefore, it is now necessary to amend § 258.5, in its entirety, to set forth the fee schedule for the period beginning July 1, 1972, and terminating on February 8, 1973. This amendment is needed to meet the requirements of section 7 of the Act (22 U.S.C. 1977), which will terminate on February 8, 1973, unless extended by legislation.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 553). The amount of the fee to be paid by an applicant for a guarantee agreement covering his vessel will not change. Furthermore, this amendment makes no substantive change in the conduct of the program. This amendment is hereby adopted and will become effective July 1, 1972.

Section 258.5 is hereby amended by deleting the present section and substituting the following:

§ 258.5 Fees.

(a) The fees are established to provide for payment of the administrative costs and at least one-third of the estimated claims to be paid from the fund. They are set on the basis of anticipated losses projected from prior experience. The fees may be adjusted from time to time by amendment to this part at any time, after appropriate notice, in order to meet the requirements of the Act.

(b) Fees to be paid by an applicant for guarantee agreements executed on or after July 1, 1972, and covering the period terminating on February 8, 1973, unless extended, shall be as follows: For each vessel $60 plus $1.80 per gross ton as listed on the vessel's documents. Fractions of a ton are not included.

(c) No return of a fee or portion of a fee will be made after a guarantee agreement is executed by the Secretary. Failure to pay increased fees within 30 days of adjustment shall constitute a basis for termination of the guarantee agreement.

(d) A guarantee agreement may, with the consent of the Secretary, be assigned to a new owner of a vessel if the ownership of that vessel is transferred during the period in which the agreement on that vessel is in force.

Dated: May 28, 1972.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.72-10190 Filed 7-3-72;8:48 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Work Incentive Program

Correction

In F.R. Doc. 72-9269 appearing at page 12200 of the issue for Tuesday, June 20, 1972, the amendatory paragraph to Part 234, now numbered "8.", should be numbered "7."

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 35]

EMPEROR VARIETY GRAPES

Grades and Requirements

Notice is hereby given that the Department is considering the proposed amendment of the regulations (7 CFR Part 35), as hereinafter set forth, effective pursuant to the provisions of the Export Grape and Plum Act, as amended (74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591–599), and the authority set forth in section 7 (74 Stat. 734; 7 U.S.C. 597).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 20th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is necessary to bring quality requirements effective for Emperor grapes under the Export Grape and Plum Act into conformity with the recent revision of the U.S. Standards for Grades of Table Grapes (European or Vinifera type). The revised standards, among other things, superseded the U.S. Standards for Sawdust Pack Grapes (European or Vinifera type) on May 1, 1972. It is therefore desirable to delete the reference to U.S. No. 1 Sawdust Pack Grape Grade (based on the now obsolete U.S. Standards for Sawdust Pack Grapes) provided in § 35.11(a) of the regulations of the Export Grape and Plum Act. The proposed minimum grape for export shipments of Emperor grapes in sawdust packs is designed to prescribe quality and packaging requirements comparable to those in the standard that was terminated on May 1, 1972, with the following two exceptions relative to Emperor grapes: (1) The proposed grape requires such grapes to be at least "reasonably well colored" which is a slightly more restrictive color requirement that "fairly well colored" previously required; and (2) maturity requirements are based on the maturity requirement of the State where the grapes are grown. The proposed grade would insure shipment of grapes suitable for export. Minor changes in the citations are also necessary in paragraphs (b) and (c) of § 35.11 to conform to the revised standards for table grapes.

Therefore, it is proposed that the provisions of § 35.11 be amended to read as follows:

§ 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of Emperor variety grapes to any foreign destination unless:

(a) Such grapes in sawdust packs meet each applicable minimum requirement of the U.S. Fancy Export Grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera type) (§§ 51.880–51.912 of this chapter.)

(b) Such grapes in other than sawdust packs meet each applicable minimum requirement of the U.S. No. 1 Table Grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera type) (§§ 51.880–51.912 of this chapter).

(c) Each package of such grapes, other than consumer sized packages of 5 pounds or less in master containers, is marked plainly and conspicuously with: (1) The name and address of the grower or packer; (2) the variety; and (3) the name of the U.S. grade, as "U.S. Fancy Export" or "U.S. No. 1 Table" or higher grade, if the fruit meets each applicable minimum requirement of such grade.

Dated: June 29, 1972.

JOHN C. BLUM,
Acting Deputy Administrator, Marketing Services.

[FR Doc.72–10209 Filed 7–3–72;8:50 am]

Rural Electrification Administration

[7 CFR Part 1701]

SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Station Carrier Equipment

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 345–56 to announce a revision of REA Specification PE–62 for station carrier equipment. On issuance of REA Bulletin 345–56, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Specification PE–62 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–56 announcing the issuance of the revised specification is as follows:

REA BULLETIN 345–56

Subject: REA Specification for Station Carrier Equipment.

I. *Purpose:* To announce a revision of REA Specification PE–62 for Station Carrier Equipment.

II. *General:* The principal changes in the revised Station Carrier Specification involve the addition of three sections. One section specifically states what evidence of compliance must be submitted to REA. Another section covers quality assurance requirements and the third new section covers reliability, accelerated life testing and equipment repair and return procedures.

The revised specification becomes effective on January 1, 1973. All station carrier equipment furnished for REA projects bid or on orders placed by REA borrowers after that date shall comply in all respects with the revised REA Specification PE–62 dated July 1972. This does not preclude the adoption of the revised specification by manufacturers prior to the effective date.

III. *Availability of Specification:* Copies of the revised PE–62 will be furnished by REA upon request.

Dated: June 29, 1972.

E. F. RENSHAW,
Assistant Administrator—Telephone.

[FR Doc.72–10212 Filed 7–3–72;8:50 am]

[7 CFR Part 1701]

SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Telephone Cable Splicing Connectors

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 345–54 to announce a revision of REA Specification PE–52 for telephone cable splicing connectors. On issuance of REA Bulletin 345–54, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made

available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Specification PE–52 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–54 announcing the issuance of the revised specification is as follows:

REA BULLETIN 345–54

Subject: Revised Page in REA Specification PE–52:

I. *Purpose:* To announce the revision of Page 1 of REA Specification PE–52 for Telephone Cable Splicing Connectors.

II. *General:* Paragraph 2.11 on Page 1 of PE–52 has been revised to require that mechanical splicing connectors be used only on conductors where stripping of conductor insulation is not required. This revision becomes effective immediately upon issuance of this bulletin.

III. *Availability of Specification:* Copies of the revised page of PE–52 will be furnished by REA upon request.

Dated: June 29, 1972.

E. F. RENSHAW,
Assistant Administrator—Telephone.

[FR Doc.72–10211 Filed 7–3–72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVE FD & C RED NO. 2

Proposed Limit on Ingestion

Pursuant to the provisions of title II of the Color Additive Amendments of 1960 (74 Stat. 404–407, sec. 203) and under authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner of Food and Drugs is authorized, with respect to particular uses for which color additives are provisionally listed, to provide such temporary tolerance limitations (including limitation at zero level) and other conditions-of-use requirements as in his judgment are necessary to protect the public health pending listing under section 706, as amended, of the Federal Food, Drug, and Cosmetic Act.

On September 11, 1971, the Food and Drug Administration published a notice in the FEDERAL REGISTER (36 F.R. 18336) announcing that preliminary data on reproduction studies of the effects of FD & C Red No. 2 indicate that it may be necessary to lower the aggregate level of use of this color and to allocate the aggregate allowable safe tolerance of the color additive among the prevailing uses. All persons interested in the use of FD & C Red No. 2 were notified to submit data pertaining to the levels of use of the color in foods, ingested drugs, and ingested cosmetics for consideration in the allocation of future usage of the color.

On February 24, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 3896) that the closing dates for the provisional listings of certain color additives was changed to December 31, 1972, except for FD & C Red No. 2 and fustic. This same notice indicated that the provisional listing for FD & C Red No. 2 would be considered in a future notice.

A Food and Drug Administration study was conducted on the effect of FD & C Red No. 2 on pregnant Osborne-Mendel strain rats in which the color was administred once daily by stomach tube on days 0 through 19 of the pregnancy. Dose levels were 7.5, 15, 30, 100, and 200 milligrams of the color per kilogram body-weight per day (mg./kg./day). Early fetal deaths attributable to the administration of FD & C Red No. 2 occurred at all levels except 7.5 mg./kg. Results at the 15 mg./kg. level were not statistically significant. No other evidence of injury either to parents or offspring has been observed except death of the embryo at an early stage of development. There is no permanent effect on the ability of the parents to reproduce.

More recent Food and Drug Administration data from continuing multigeneration reproduction feeding studies have become available which confirm the earlier studies with respect to the fetal toxicity produced by FD & C Red No. 2. However, animal intakes of 20 mg./kg./day and below were without effect in these reproduction studies. On this basis the 15 mg./kg./day which was considered earlier to be an equivocal effect level when given by gavage is now considered by the Food and Drug Administration scientists to be the no-effect level.

The Food and Drug Administration also has available data from other laboratories in the rat and other species. While none of these studies followed the exact protocol used in the Food and Drug Administration work, they were similar and directed toward the study of teratogenic potential. None of these studies were as unequivocally positive as the Food and Drug Administration study, and some were completely negative.

On February 10, 1972, an ad hoc Subcommittee on the Evaluation of FD & C Red No. 2, of the Committee on Food Protection of the Food and Nutrition Board, NAS–NRC, which had been convened at the request of the Food and Drug Administration met with members of both the Food and Drug Administration and industry to receive data and comments bearing on the safe use of the color. The results of the subcommittee deliberations were received by the Food and Drug Administration on June 13, 1972, as the "Report of the Ad Hoc Subcommittee on the Evaluation of Red No. 2." The subcommittee reviewed and assessed the available toxicological data provided by the Food and Drug Administration as well as reports of studies on teratogenesis provided by representatives of the interindustry color committee. The conclusions of the subcommittee after reviewing the data relative to reproductive effects, mutagenesis, and teratogenesis were:

> The sum of these three sets of observations remains inconclusive. Patently, none is so conclusive or convincing that it can be extrapolated to health hazard in adults, pregnant woman, or children. None warrants the conclusion that Red No. 2 in normal usage constitutes a hazard to human health or reproduction.

On this basis the subcommittee considered that there was insufficient reason at this time to take measures to reduce the present extent of human exposure to FD & C Red No. 2, a coloring agent which has been in widespread use since the early years of this century without the suggestion of harmful effect on human health. The subcommittee further urged that high priority be given to more complete and definitive studies, especially that the multigeneration study be completed.

The Commissioner appreciates the efforts of the NAS/NRC subcommittee on behalf of the Food and Drug Administration concerning the evaluation of the scientific data upon which the subcommittee report was based. In accordance with the subcommittee recommendation, high priority is being given to the multigeneration studies in rats.

Notwithstanding the subcommittee's view that restrictions on the usage of FD & C Red No. 2 are not warranted at this time, the evidence at hand is such that on the basis of currently available toxicological information and pertinent data, including an evaluation of the use data submitted in response to the September 11, 1971, notice and estimated consumption projections, the Commissioner concludes that it is prudent to reduce permissible levels of the color, so that safe intake levels estimated on the basis of animal tests will not be exceeded under normal conditions of consumption. Applying a 10 to 1 safety factor, the no-effect level of 15 milligrams of FD & C Red No. 2 per kilogram of animal weight per day results in an estimated safe level for man of 1.5 milligrams per kilogram of body weight per day. This is equivalent to consumption of 90 milligrams per day for a 60 kilogram (132 pounds) human. Estimation of the safe level based upon the application of a 10-fold safety factor is considered reasonable at this time in view of the subcommittee's recommendations and since there is much human experience with use of the color.

Accordingly, the Commissioner proposes to amend the provisional regulations for color additives to establish interim tolerances for FD & C Red No. 2 until December 31, 1972, as follows:

§ 8.501 [Amended]

1. In § 8.501(a) add "§ 8.503" under the "Restrictions" column on the line for FD & C Red No. 2, and insert "December 31, 1972" as the closing date.

2. The following new paragraph (d) is added to § 8.503 *Temporary tolerances:*

§ 8.503 Temporary tolerances.

* * * * *

(d) FD & C Red No. 2 may be safely used or intended for use during the transitional period in foods, ingested drugs, pet foods, and lipsticks as a colorant in accordance with the following provisions:

(1) The colorant meets the specifications of § 9.61 of this chapter;

(2) When used as a colorant in food and ingested drugs, it is used only in amounts not exceeding 30 parts per million;

(3) When used as a colorant in lipstick at levels not to exceed 1,000 p.p.m. by weight of lipstick exclusive of case or package;

(4) When used in pet foods and animal feeds in amounts not exceeding 30 p.p.m.

Interested persons may, within 60 days after publication hereof 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 30, 1972.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.72-10354 Filed 7-3-72;10:06 am]

[21 CFR Parts 141a, 146, 146a, 149e]

SODIUM OXACILLIN

Proposed Certification of Penicillin and Penicillin-Containing Drugs; Tests and Methods of Assay

Correction

In F.R. Doc. 72-9465 appearing at page 12398 of the issue for Friday, June 23, 1972, three corrections are to be made:

1. The second line of the amendatory language to Part 146 should read "amended in § 146.2 by adding a new sen-" instead of "amended by revoking §§ 141a.104, 141a.-".

2. The first boldface section heading in Part 149e should read "§ 149e.1 Sodium oxacillin." instead of "§ 149c.1 Sodium oxacillin."

3. Section 149e.2(a)(1)(vii) should read "Its sodium oxacillin content is not less than 90 percent and not more than 105 percent."

Public Health Service

[42 CFR Part 51]

PROJECT GRANTS FOR AREAWIDE HEALTH PLANNING

Notice of Proposed Rule Making

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue a new Subpart C of Part 51 of Title 42, CFR, to govern project grants for areawide health planning under section 314(b) of the Public Health Service Act (42 U.S.C. 246(b)), as set out below.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed 42 CFR Part 51, Subpart C, to the Comprehensive Health Planning Service, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, within 30 days after the publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection at Room 7-43, Parklawn Building, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

It is proposed to issue a new Subpart C of Part 51 as set out below.

Dated: March 13, 1972.

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

Approved: June 25, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Part 51 of title 42 is amended by adding a new Subpart C to read as follows:

Subpart C—Project Grants for Areawide Health Planning

Sec.

AUTHORITY: The provisions of this Subpart C issued under secs. 215, 314 of the Public Health Service Act as amended; 58 Stat. 690; 84 Stat. 1304; 42 U.S.C. 216, 246.

Subpart C—Project Grants for Areawide Health Planning

§ 51.201 Applicability.

The regulations of this subpart apply to project grants to assist public or nonprofit private agencies and organizations in comprehensive and continuing planning for coordination of existing and planned health services, including the facilities and persons required for provision of such services, in regional, metropolitan, and other local areas, as authorized pursuant to section 314(b) of the Public Health Service Act, as amended.

§ 51.202 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this subpart:

(a) "Act" means section 314 of the Public Health Service Act, as amended (42 U.S.C. 246).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State agency" means the single State agency which has been designated in the State program under section 314(a) of the Act for administering or supervising the administration of the State's health planning functions.

§ 51.203 Eligibility.

To be eligible for a grant under this subpart, the applicant must be a public or nonprofit private agency or organization: *Provided*, That, the Secretary may make a grant to a State agency with respect to a particular region or area only if

(a) The Secretary determines that no application for a grant which meets the requirements of the Act and the regulations of this subpart with respect to such region or area has been filed by any other agency or organization qualified to receive such a grant, and

(b) The State agency certifies, and the Secretary finds, that ample opportunity has been afforded to qualified agencies and organizations to file application for such a grant with respect to such region or area and that it is improbable that, in the foreseeable future, any agency or organization which is qualified for such a grant will file an approvable application therefor.

§ 51.204 Application.

(a) An application for a grant under this subpart shall be submitted to the Secretary in such form and manner and at such time as the Secretary may prescribe.

(b) Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) In addition to other pertinent information which the Secretary may require, the application shall contain a description of the planning program in sufficient detail to identify clearly the nature, need, purpose, plan, and methods of the program, the geographic area with respect to which the grant is sought, and the justification, supported by a budget or other data, for the amount of funds requested.

§ 51.205 Approval of application and grant award.

(a) An application for a grant under this subpart may be approved by the Secretary only if he makes each of the following determinations:

(1) That the application has been approved by the State agency for the State in which the area with respect to which the grant is sought is located, or, where such area includes parts of more than one State, by the State agency for each such State;

(2) That the application contains or is supported by reasonable assurances that there has been established or will, within a specified period approved by the Secretary, be established, in or for the area with respect to which the grant is sought, an areawide health planning council which meets the requirements set forth in § 51.206;

(3) That the application contains or is supported by reasonable assurances that the applicant has made provision for assisting health care facilities in the area with respect to which the grant is sought to develop a program for capital expenditures in accordance with § 51.207(c)(5); and

(4) That the area (which may include parts of more than one State, but may in no instance be solely the entire area of a single State) to be covered by comprehensive health planning under the grant has a population of sufficient size to justify having a reasonably full range of physical, mental, and environmental health services, facilities, and manpower: *Provided*, That, with respect to any area which is found by the Secretary to have a population of insufficient size to meet the requirements of this subparagraph (4), the Secretary may award a grant under this subpart to a State agency in which all or part of such area is located, where (i) he finds that the other requirements of this paragraph (a) are satisfied, and (ii) he makes the findings required under § 51.203 (a) and (b).

(5) That (i) where a State has established, through formal designation or other recognition, State planning and development districts as appropriate areas for planning under State law or Federal requirements, the boundaries of the area to be covered by comprehensive health planning under the grant conform to the boundaries of such State planning and development districts, except where the Secretary finds that such conformance is not justified under the circumstances of the particular grant; or (ii) where a State has not established such State planning and development districts, units of general local government and Federal agencies administering related programs[1] in the area to be covered by comprehensive health planning under the grant have been consulted and have been provided a reasonable opportunity to comment with respect to the boundaries of such area, so as to assure consistency with planning areas or districts, if any, which have been established through local agreement or under related Federal programs;

(6) That the applicant has established or will within a specified period approved by the Secretary establish arrangements to assure coordination of planning activities being carried on under related Federal, State, and local programs in the areas to be covered by comprehensive health planning. Such arrangements shall include the following:

(i) Identification of related Federal, State, and local planning activities being carried on within such area;

(ii) Descriptions of explicit organizational or procedural arrangements that have been or will be established by the applicant to assure such coordination of planning activities;

(iii) Descriptions of cooperative arrangements that have been or will be made by the applicant with respect to joint or common use of planning resources such as funds, personnel, facilities, and services;

(iv) Evidence satisfactory to the Secretary that comprehensive health planning in the area will proceed from base data, statistics, projections, and assumptions that are common to or consistent with those being employed for related planning activities being carried on within such area;

(7) That the applicant is generally recognized by providers of health services, local government and citizen groups representative of consumers of health services as the single organization responsible or to be responsible for the conduct of comprehensive health planning in the area.

(b) Within the limits of funds available for such purpose, the Secretary may award grants to those applicants whose projects will in his judgment best promote the purpose of the Act.

(c) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion, of the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however*, That no grant shall be made for an amount which exceeds 75 percent of the total cost as found necessary by the Secretary for the carrying out of the project. In determining the grantee's share of the project costs, costs for which Federal grants from other sources have been or may be claimed or received or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant-related income (except as may be permitted by Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual[2]) may not be included.

(d) Except as may otherwise be provided by the regulations of this subpart, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in accordance with the applicable principles set forth in Chapters 1–76, 2–65, 2–66, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(e) All grant awards shall be in writing, and shall set forth the amount of funds granted and the period for which support is recommended.

(f) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 51.206 Areawide health planning councils.

Each grant awarded under this subpart is subject to the condition that there has been or will be established in or for the area with respect to which the grant is made an areawide health planning council (hereinafter termed "council"), whose membership may consist of the membership or the board of directors of the grantee organization, and which meets the requirements of this section.

(a) The membership of the council shall include representatives of public and nonprofit private agencies, institutions, and organizations concerned with health. Such representatives shall include representation of the regional medical programs established under title IX of the Public Health Service Act which are included in whole or in part within the area and representatives of the interests of local government, of the interests of hospitals and other health care facilities and practicing physicians serving the area, and of consumers of health services. A majority of the council members must be consumer representatives whose major career occupation is neither the organization, financing, or delivery of health services, nor the teaching of or research in health sciences.

(b) The membership of the council shall be generally representative of all geographic portions and socioeconomic groups, including minority groups, of the area.

(c) Members of the council shall be appointed for definite terms which shall

[1] A list of Federal agencies administering related programs in a particular area may be obtained from the Federal Regional Council for the region in which the area is located.

[2] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' Information Centers listed in 45 CFR 5.31, and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

not exceed 4 years, so staggered as to assure that the terms of not more than one-third of the members will expire in any calendar year. No member shall serve continuously for more than two terms.

(d) The council shall meet as often as necessary, but not less often than four times per year, for the purpose of considering and, as appropriate, consulting with and advising the grantee with respect to:

(1) The scope of planning activities to be undertaken by the grantee;

(2) The recommendations to be made by the grantee as a result of such activities; and

(3) Necessary review and modifications of the grantee's planning program.

(e) All policies and recommendations of the council with respect to the grantee's comprehensive health planning activities shall be made public.

§ 51.207 Program requirements.

(a) The applicant shall:

(1) Include on its staff a full-time director of comprehensive health planning activities: *Provided,* That the Secretary may, in particular cases, approve other arrangements for administering or supervising the administration of the applicant's planning activities where he finds that such other arrangements will result in the effective administration of such activities; and

(2) Provide, either on its staff or by use of consultants or arrangements with other organizations, professional competence in both health and planning.

(b) Activities conducted under the project shall not include the provision of health services.

(c) Activities conducted under the project shall include:

(1) Health planning that is comprehensive in nature and conducted in the interest of the general population of the area, and not directed toward the particular interest of any organization, institution, or profession;

(2) Promulgating policies and recommendations directed toward improving the physical, mental, and environmental health status of the population of the planning area.

(3) Continuing maintenance of relationships with other agencies and organizations in the area concerned with health, and with the general public, including the provision of information and interpretations concerning project activities;

(4) Establishment and continuing assessment of methods and principles for local review of projects required by other Federal legislation;

(5) Assisting health care facilities in the area with respect to which the grant is made to develop a program for capital expenditures for replacement, modernization, and expansion which is consistent with such overall State plan as has been developed in accordance with criteria established by the Secretary pursuant to section 314(a)(2)(I) of the Act and which will meet the needs of the area for health care facilities, equipment, and services without duplication and otherwise in the most efficient and economical manner.

(i) The assistance and review required under this paragraph may be provided by the applicant itself, or, under the applicant's control and supervision, by another local public or nonprofit private agency or organization: *Provided,* That the final responsibility for the conduct of such review and assistance shall in all cases rest with the grantee.

(ii) For purposes of this subparagraph, the term "health care facility" includes all hospitals, sanitoriums, nursing homes, and other facilities for the inpatient care of the sick, mentally ill, injured, or disabled, which are licensed or formally approved for such purposes by an officially designated State standard-setting authority, and all public or private nonprofit clinics, health centers, and other facilities a major purpose of which is to provide diagnostic, preventive or therapeutic outpatient health care by or under the supervision of doctors of medicine, osteopathy, or dentistry: *Provided,* That such term shall not include facilities operated by religious groups relying solely on spiritual means through prayer and healing and in which health care by or under the supervision of doctors of medicine, osteopathy, or dentistry is not provided.

§ 51.211 Nondiscrimination.

Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which is applicable to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 51.212 Publications and copyright.

Except as may be otherwise provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject, however, to a royalty-free, non-exclusive, and irrevocable license or right in the Federal Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 51.213 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1–410–50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other health planning projects.* Equipment may be used, without adjustment of accounts, on other grant-supported projects within the scope of section 314(b) of the Act, and no other accounting for such equipment shall be required: *Provided, however,* That (i) during such period of use no charge for depreciation, amortization or other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if within the period of its useful life material is transferred by sale or otherwise for use outside the scope of section 314(b) of the Act, the Federal share of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or it may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased with grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1–410–50B of the Department of Health, Education, and Welfare Grants Administration Manual, may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant-related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest

earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of a State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant funds expended to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for material on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to paragraph (c)(1) of this section;

(iv) Any other settlements required pursuant to paragraph (c) (2) and (3) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set-off or other action as provided by law.

§ 51.214 Records, reports, inspection.

(a) *Records and reports.* Each grant awarded pursuant to this part shall be subject to the condition that the grantee shall maintain such progress and accounting records, identifiable by grant number, and file with the Secretary such progress and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified by the end of such 3-year period, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Secretary of the facilities, equipment and other resources of the applicant and to interviews with principal staff members to the extent that such resources and personnel are, or will be, involved in the project. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 51.215 Additional conditions.

The Secretary may, with respect to any grant award, impose additional conditions prior to or at the time of such award when in his judgment such conditions are necessary to assure or protect the advancement of the project, the interests of public health, or the conservation of grant funds.

§ 51.216 Early termination of grant or withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or with the terms of the grant, including the regulations of this subpart, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and the regulations. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.72-10146 Filed 7-6-72;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner (Federal Housing Administration)

[24 CFR Part 203]

[Docket No. R-72-197]

MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Maximum Charges, Fees or Discounts

Pursuant to section 701 of the Emergency Home Finance Act of 1970, 12 U.S.C. 1430 note, 84 Stat. 450, 464, the Secretary of Housing and Urban Development is authorized to establish standards governing the amounts of settlement costs allowable in connection with HUD insured mortgage transactions. Such standards are to be based on the Secretary's determination of a reasonable charge for necessary services.

Pursuant to this directive, it is proposed that § 203.27 of the regulations of the Assistant Secretary for Housing Production and Mortgage Credit be revised as set forth below. The maximum standards will be established by the Secretary for specific areas where the Secretary determines that excessive fees and charges are being collected from mortgagors and sellers in connection with the mortgage transaction. Special provisions will be added for areas where these maximums are established. Existing provisions in § 203.27 will be retained for the remainder of the country. Standards for 6 metropolitan areas are being published for comment in this issue of the FEDERAL REGISTER and it is further contemplated that standards will be set in the near future for additional areas in which the Secretary deems the setting of such standards to be advisable.

No change is proposed at this time in the amount the mortgagee may collect as an origination fee. HUD and VA are jointly studying the question as to what is a reasonable amount to be allowed the mortgagee for originating and closing the mortgage loan. In this study we are considering the question as to whether to allow the collection of a separate "Closing Fee", as included in our proposed schedule of maximum settlement charges, or whether this fee is to be absorbed by the mortgagee from the origination fee.

The maximum settlement charges to be fixed have been derived from cost data produced by a comprehensive survey of all HUD and VA loan closings during March of 1971. Statistical and economic analyses were performed on this data, and additional information concerning the nature of the services rendered for various charges was collected. Proposed maximums were then developed and were reviewed by personnel of the HUD Insuring Offices in the areas in question. The maximums appearing in this issue of the FEDERAL REGISTER were then established.

In addition, it is proposed that a uniform "Settlement Cost Reporting Form" be submitted to HUD by the mortgagee following the settlement of each loan to which § 203.27 applies. A copy of the form proposed for this purpose is reproduced in this issue of the FEDERAL REGISTER. Comments on the proposed amendment, "Settlement Cost Reporting Form" and settlement cost maximums are solicited from mortgagees, mortgagors, persons who supply services in connection with real estate settlements, public interest groups and all other interested parties. Interested parties are also requested to comment on whether the proposed maximums should also apply to mortgages on individual dwelling units insured under sections 213(d) and 234 of the National Housing Act.

Inasmuch as certain of the proposed revision constitutes substantive modification of the existing regulation, the Department is providing an opportunity for comment with respect to the proposal before adoption of a final rule.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10256, 451 Seventh Street SW., Washington, DC 20410. All communications received on or before July 31, 1972 will be considered before taking action on the proposal. The proposals contained in this notice may be changed in the light of comments received. A copy of each submittal will be available for public inspection during business hours at the above address.

Accordingly, we propose to revise § 203.27 to read as follows:

§ 203.27 Maximum charges, fees or discounts.

(a) The mortgagee may collect from the mortgagor the following charges, fees, or discounts:

(1) The application fees provided for in this part.

(2) A charge to compensate the mortgagee for expenses incurred in originating and closing the loan, the charge not to exceed:

(i) $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater; or

(ii) $50 or 2½ percent of the original principal amount of the mortgage, whichever is the greater, with respect to mortgages on property under construction or to be constructed where the mortgagee makes partial disbursements and inspections of the property during the progress of construction.

(iii) If the mortgage involves repair or rehabilitation, and the mortgagee meets the conditions of subdivision (ii) of this subparagraph relating to disbursements and inspections, the charge prescribed in subdivision (ii) of this subparagraph may be collected in connection with that portion of the mortgage applied to such repair or rehabilitation. The charge with respect to any part of the mortgage not applied to repair or rehabilitation, or any part of the mortgage so applied which does not meet the conditions of subdivision (ii) of this subparagraph relating to disbursements and inspections, shall be limited to that provided in subdivision (i) of this subparagraph.

(3) Except as provided in paragraph (b) of this section reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recordation;

(ii) Credit Report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any; and

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(4) Reasonable and customary charges in the nature of discounts if the mortgagor is:

(i) A builder constructing houses for sale who executes the mortgage in his own name;

(ii) Constructing a dwelling for his own occupancy; or

(iii) Refinancing an existing indebtedness secured by the property owned by the mortgagor.

(iv) Purchasing the property from a governmental agency or municipal corporation which is precluded by statute from paying the discount.

(v) A builder or realtor who is purchasing a dwelling from an owner-occupant.

(b)(1) Where the Secretary determines that excessive fees and charges are being collected from mortgagors and sellers in connection with mortgage transactions involving property located in specific geographic areas he shall establish, from time to time, by publication in the FEDERAL REGISTER, dollar limitations on the combined amounts that may be charged the mortgagor and seller by the mortgagee or any other person or entity for each of the following services, as defined by the Secretary, which are rendered in connection with a mortgage on property located in such areas:

(i) Credit Report.

(ii) Survey.

(iii) Title Examination.

(iv) Title Insurance.

(v) Closing Fee.

(vi) Pest and Fungus Inspection.

(2) Where limits on fees and charges prescribed in a geographical area pursuant to subparagraph (1) of this paragraph, no other amounts shall be collected from the mortgagor or seller in connection with the making of a mortgage loan or a purchase financed by such mortgage loan except principal and interest payments required to be paid under the terms of the mortgage and amounts for prepaid expenses, premiums for hazard and mortgage insurance, recordation and transfer fees and taxes, real estate brokerage commissions, mortgage discount points that may be charged the seller, charges for additional structural inspections, certifications or warranties requested by the mortgagor, fees for legal or financial advice in connection with the transaction that may be paid by the mortgagor to an attorney or other advisor selected by the mortgagor, and charges authorized under paragraph (a) of this section.

(c) [Reserved]

(d) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner, on the form prescribed by the Commissioner, a listing of all charges, fees, and discounts paid by the mortgagor and by the seller of the property, if any, and certified as accurate and complete by the mortgagor and the seller, if any, and by the closing agent. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees, or discounts.

(e) Nothing in this section will be construed as prohibiting the mortgagor from dealing through a broker who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor in order to obtain mortgage financing.

Issued at Washington, D.C., June 28, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

[FR Doc.72-10127 Filed 7-3-72;8:46 am]

[24 CFR Part 203]

[Docket No. R-72-198]

MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Proposed Maximum Settlement Charges

Pursuant to section 701 of the Emergency Home Finance Act of 1970, 12 U.S.C. 1430 note, 84 Stat. 450, 464, the Secretary of Housing and Urban Development is authorized to establish standards governing the amounts of settlement costs allowable in connection with HUD insured mortgage transactions. Such standards are to be based on the Secretary's determination of a reasonable charge for necessary services.

Section 203.27 of 24 CFR pertains to "Maximum Charges, Fees or Discounts". Inasmuch as the proposed revision of § 203.27 that is being published in this issue of the FEDERAL REGISTER constitutes a substantive modification of the existing regulation, the Department is providing an opportunity for comment with respect to the proposal before adoption of a final rule.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10256, 451 Seventh Street SW., Washington, DC 20410. All communications received on or before July 31, 1972 will be considered before taking action on the proposal. The proposals contained in this notice may be changed in the light of comments received. A copy of each submittal will be available for public inspection during business hours at the above address.

The following maximum charges for settlement services are proposed in accordance with the revised 24 CFR 203.27 in the following specific geographic areas:

MAXIMUM SETTLEMENT CHARGES

I—CLEVELAND SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	$50.
(3) Title examination	$100.
(4) Title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for owners policy. $3 per $1,000 plus $15 for a lenders and owners policy issued simultaneously.
(5) Closing fee	$60.
(6) Pest and fungus inspection	$20.

II—NEWARK SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	$60.
(3) Title examination	$130.
(4) Title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for owners policy. $3 per $1,000 plus $10 for a lenders and owners policy issued simultaneously.
(5) Closing fee	$50.
(6) Pest and fungus inspection	$15.

III—SAN FRANCISCO-OAKLAND SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	A separate charge for this service is not permitted in the area.
(3) Title examination and title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for owners policy and owners and lenders policy issued simultaneously. An additional $75.00 for a CLTA policy or an additional $100.00 for a lenders or lenders and owners ALTA policy issued simultaneously.
(4) Closing fee	$60.
(5) Pest and fungus inspection	$25.

IV—SEATTLE-EVERETT SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	A separate charge for this service is not permitted in the area.
(3) Title examination and title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for an owners policy. $3 per $1,000 plus $12 for a lenders and owners policy issued simultaneously. An additional $90.00 for a ALTA lenders or lenders and owners policy issued simultaneously.
(4) Closing fee	$60.
(5) Pest and fungus inspection	$30.

V—ST. LOUIS SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	$50.
(3) Title examination	$90.
(4) Title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 plus $15 for a lenders and $3 per $1,000 for owners policy. owners policy issued simultaneously.
(5) Closing fee	A separate charge for this service is not permitted in the area.
(6) Pest and fungus inspection	$15.

VI—WASHINGTON, D.C. SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	$55.
(3) Title examination	
District of Columbia	$90.
Maryland and Virginia	$130.
(4) Title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for owners policy. $3 per $1,000 plus $10 for a lenders and owners policy issued simultaneously.
(5) Closing fee	$50.
(6) Pest and fungus inspection	$15.

The following proposed "Settlement Cost Reporting Form" would be used in connection with the proposed revision of 24 CFR 203.27.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HOUSING PRODUCTION AND MORTGAGE CREDIT

SETTLEMENT COST REPORTING FORM

NOTE: This form itemizes actual costs incurred and paid for settlement services regardless of whether they are actually paid at, before, or after the closing.

Lender's Name and Address:	Closing Agent's Name and Address:
FILE NO.	FILE NO.

Location of Property: (Street Address, City, State and ZIP Code)	☐ New ☐ Existing ☐ New Subdivision No. of Lots:_____	Sales Price	Mortgage Amount
		$	$

Date of Settlement	Place of Settlement	Sec. of National Housing Act	HUD Case No.

ITEM	PAID BY BUYER	PAID BY SELLER	TOTAL COST	AREA MAXIMUM
I. TOTAL SETTLEMENT COSTS				
II. TOTAL CLOSING COSTS				
A. TOTAL PRIVATE COSTS				
1. Credit Report				
2. Application Fee				
3. Field Survey				
4. Title Examination				
5. a. Title Insurance (Lender's Policy)				
b. Title Insurance (Owner's Policy)				
6. Attorney Fees				
7. Origination Fee				
8. Closing Fee				
9. Termite Inspection				
10. Structural Inspection				
B. TOTAL PUBLIC COSTS				
1. Recording Fees				
2. Transfer Taxes				
III. LOAN DISCOUNT PAYMENT_____%				
IV. TOTAL PREPAID ITEMS: (ESTIMATED ANNUAL AMOUNT)				
A. REAL ESTATE TAXES				
B. MORTGAGE INSURANCE				
C. HAZARD INSURANCE				
D. SPECIAL ASSESSMENT (If applicable)				
V. BROKER'S SALES COMMISSION_____%				

DO NOT SIGN UNTIL ALL ENTRIES ARE COMPLETED ON THIS FORM. DO NOT SIGN IN BLANK! READ AND UNDERSTAND ALL ENTRIES FIRST.

BORROWER – PURCHASER

I have received and read a completed copy of this disclosure statement. To the best of my knowledge and belief all the entries on this form are true and correct and the "settlement charges" listed hereon represent actual costs incurred on my behalf and paid by me in order to complete the transaction depicted on the form. Furthermore, I have not paid any charges or fees for settlement services other than those itemized and listed on this form.

_____ *Purchaser (Signature)* _____ *Date* _____ *Purchaser (Signature)*

_____ *(Address)* _____ *(Address)*

SELLER

I have received and read a completed copy of this disclosure statement. To the best of my knowledge and belief all the entries on this form are true and correct and the "seller's settlement charges" listed hereon represent actual costs incurred on my behalf and paid by me in order to complete the transaction outlined on the form. Furthermore, I have not paid any fee or charges or received any remuneration in the form of a rebate or discount for settlement services other than those itemized and listed on this form

_____ *Seller* _____ *Date* _____ *Seller*

_____ *Address, Firm Name, and Title (if applicable)* _____ *Address, Firm Name, and Title (if applicable)*

WARNING: Section 1010 of Title 18, U.S.C. "Department of Housing and Urban Development and Federal Housing Administration transactions" provides: "Whoever, for the purpose of . . . influencing in any way the action of such department, makes, passes, utters, or publishes any statement, knowing the same to be false . . . shall be fined not more than $5,000 or imprisoned not more than two years or both."

(Closing Agent's Certification on Reverse)

CLOSING AGENT

1. To the best of my knowledge and belief all the entries on this form are true and correct and represent the total number of actual costs incurred for actual services rendered.

2. In addition, I have obtained and retain in my possession certifications from those parties who provided the settlement services listed in Section II and Section V of this form listed in Section II and Section V on this form and sworn to under penalty of perjury that the costs reported by them were actually incurred and that none of these parties has paid or received a fee, commission, stipend, gratuity, or other form of remuneration in relation to this transaction not specifically authorized by HUD and listed as an allowable charge on the face of this form.

3. Furthermore, _____, *(Closing Agent)* being duly sworn, swears, deposes and says that he (it) has not paid or received a fee, commission, stipend, gratuity, or other form of remuneration in relation to this transaction not specifically authorized by HUD and listed as an allowable charge on the face of this form.

_____ *Closing Agent*

_____ *Date* _____ *Address, Firm Name, and Title (if applicable)*

_____ *Date* _____ *Notary Public*

_____ *Address*

The following definitions of maximum charges for settlement services shall be used in connection with the proposed revision of 24 CFR 203.27.

DEFINITIONS OF MAXIMUM CHARGES FOR SETTLEMENT SERVICES ALLOWED IN CONNECTION WITH HUD INSURED SINGLE FAMILY MORTGAGE TRANSACTIONS

1. *Credit Report Fee.* A credit report is a report of the prospective mortgagor's financial and credit standing. It gives the credit record of the prospective borrower and shows how well he has handled past and present obligations. The charges for a credit report are to be in accordance with the current HUD contracts covering credit report fees.

2. *Field Survey Charge.* A survey is the process by which a parcel of land is measured and its contents ascertained. It will usually include a legal description of the property's boundary lines, dimensions of the property, locations of buildings, fences, and other improvements. Charges for this service must involve an actual measurement of the property made on the premises.

3. *Title Examination Fee.* A fee charged for a search of the records relating to a specific piece of property which was performed to determine the status of the title with regard to its marketability and to ascertain whether any liens, easements, encumbrances and possible "clouds" on the title exist.

4. *Title Insurance Charge.* A fee charged for the issuance of an insurance policy to the mortgagee or owner as a protection against loss in the event title to the mortgaged property is found to be defective. A mortgagee's policy protects only the lender's interest! An owner's policy can be purchased at an additional charge.

5. *Closing Fee.* This is a fee paid to an attorney, title insurer, mortgagee or some other third party for handling the settlement or acting as an independent escrow agent. At closing the parties to the sale sign the necessary documents, determine the amounts to be exchanged and make the appropriate payments. Where escrow agents are utilized, they act as independent fiduciaries charged with holding the evidence of the transfer in trust for the parties until all the steps of the transfer are completed according to the terms of the sales contract.

6. *Pest and Fungus Inspection Fee.* This is a fee paid for the inspection of the property and certification of its condition as is customarily required by lending institutions in the locality with respect to possible damage by termites, other structural pests, dry rot or similar perils. It does not include a warranty against future infestation.

Issued at Washington, D.C., June 28, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

[FR Doc.72-10128 Filed 7-3-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 61, 63, 65, 91, 133, 137, 141]

[Docket No. 12035; Notice No. 72-16]

CARRIAGE OF NARCOTIC DRUGS, MARIHUANA, AND DEPRESSANT OR STIMULANT DRUGS OR SUBSTANCES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to make the current prohibition in § 91.12(a) against the carriage in civil aircraft of narcotic drugs, marihuana, and depressant or stimulant drugs or substances between Mexico and the United States apply to the operation of civil aircraft anywhere within the United States. This proposal would also make a violation of § 91.12(a), as well as a conviction for violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, a basis for denying applications for airmen certificates issued under Parts 61, 63, and 65 and a basis for suspending or revoking those certificates. Currently, Parts 61 and 63 contain provisions limited to a violation of § 91.12(a) and a conviction for violating a Federal statute only, whereas Part 65 does not contain any provisions such as those prescribed in Parts 61 and 63.

In addition, under this proposal a violation of § 91.12(a) would be made the basis for suspending or revoking the operating certificate authority issued under Part 133 (rotorcraft external-load operations), Part 137 (agricultural aircraft operations), and Part 141 (pilot schools).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before October 4, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

Currently effective § 91.12(a) prohibits the operation of civil aircraft between Mexico and the United States with knowledge that narcotic drugs, marihuana, and depressant, or stimulant drugs or substances as defined in Federal statutes are carried in the aircraft. This regulation became effective through the adoption on August 27, 1969, of Amendment 91-66 (34 F.R. 13922). That amendment was adopted by the FAA in recognition of the increasing hazard to safety in air commerce resulting from the increased use of civil aircraft for the illicit carriage of narcotics and other drugs into the United States. These hazards result from attempts to avoid detection or pursuit through violent maneuvers, low flying, flight in bad weather, and use of unsafe landing areas.

Since the adoption of Amendent 91-66, information available to the FAA indicates that the illicit carriage of drugs by aircraft may be occurring in various places within the United States and involve violations of State as well as Federal statutes. Accordingly, in order to cope effectively with the threat to safety in air commerce from such illicit carriage of drugs, it is proposed to amend § 91.12(a) and make the prohibition therein apply to the operation of civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft. While the primary purpose of this proposed amendment is to promote safety of flight in air commerce, the agency believes it will also further serve the public interest in that it will provide additional assistance to the Government's recently increased efforts to curb illicit drug traffic in this country.

In addition, this proposal would delete paragraph (c) of § 91.12, which requires compliance with Subchapter A of Part 99. In lieu thereof, it is proposed to adopt a new § 91.84 and make it mandatory for each person operating a civil aircraft on a flight between Mexico or Canada and the United States to file either a VFR or IFR flight plan, as appropriate, unless otherwise authorized by ATC. Part 99 already requires a flight plan to be filed for flights between other countries and the United States and proposed § 91.84 should further assist the agency in conducting an effective safety enforcement program.

On August 27, 1969, the FAA also adopted Amendments 61-43 and 63-10 to make a violation of § 91.12(a), as well as conviction for violating any Federal statute relating to the manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, a basis for denying applications for airmen certificates issued under Parts 61 and 63 and for the suspension and revocation of those certificates. In support of those amendments, the FAA expressed the belief that a demonstrated willingness to violate the Federal statutory provisions specified concerning the illegal trafficking in narcotic drugs, marihuana, and depressant or stimulant drugs, or a demonstrated willingness to violate § 91.12(a) clearly demonstrates a tendency to act without inhibition in an unstable manner and without regard to the rights of others. Further, it was stated that such conduct also clearly demonstrates that the applicant would not be compliance minded regarding the many requirements necessary for safety in air commerce or air transportation.

The same rationale and safety considerations, in the opinion of the FAA, also justify making a conviction for violation of any State statute, as well as any Federal statute, relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, a basis for denying applications for airmen certificates issued under Parts 61 and 63 and for the suspension and revocation of those certificates. Accordingly, this proposal would amend Parts 61 and 63 and expand the present provisions in §§ 61.6 and 63.12 to make conviction for violating such a State statute grounds for denial, suspension, or revocation of certificates issued under those parts.

The FAA recognizes that a disparity may exist between the laws of the various States which may result in a lack of uniformity in the enforcement of the proposed regulations based upon State convictions. However, on balance, we believe this probable lack of uniformity in enforcement is outweighed by the safety objectives of the proposal.

In addition, and for the same reasons, the FAA proposes herein to also amend Part 65 and include identical provisions in that part for the denial, suspension, or revocation of certificates issued under that part. Part 65 certificates are those issued to air-traffic control-tower operators, aircraft dispatchers, mechanics, repairmen, and parachute riggers.

In the interest of safety in air commerce, the agency adopted on August 27, 1969, amendments to Parts 121, 123, 127, and 135 to provide for the suspension or revocation of an operating certificate issued under those parts if the holder thereof permits any aircraft owned or leased by him to be engaged in any operation he knows to be in violation of § 91.12(a). As a basis for those amendments, it was explained that the privileges inherent in the operating certificates can directly support, or even be essential to, the use of aircraft in smuggling narcotic drugs, marihuana, and depressant or stimulant drugs. It was also stated that this is true regardless of whether the aircraft is being operated under the certificate at the time, since the corporate financial and management strength necessary to operate such aircraft largely flows from the operating privileges granted under these operating certificates. As in the case of airmen certificates, operating certificates can have the effect of providing a condition necessary to the use of the aircraft, by any person, in the hazardous business of smuggling. Furthermore, the view was expressed that for reasons identical to

those that support actions against airmen certificates, the risk-taking willingness of the corporate or individual management of the holders of those operating certificates would clearly negate their ability to adhere to the conditions necessary for safety in air commerce or air transportation. This is true, it was pointed out, regardless of whether that risk taking occurs by the certificate holders leasing the aircraft to other persons who smuggle the illegal items or by their operating the aircraft themselves in that business.

For the same reasons, it is proposed herein to amend Parts 133, 137, and 141 and provide for the suspension or revocation of the certificate authority issued under those parts, if the operator to whom the certificate or other authority has been issued permits any aircraft owned or leased by him to be engaged in any operation he knows to be in violation of § 91.12(a).

In addition to the above-mentioned reasons for concluding that safety in air commerce or air transportation requires the suspension or revocation of airmen certificates issued under Parts 61, 63, and 65 and operating certificates issued under Parts 133, 137, and 141, it should be noted that there are also equally important public interest factors that are directly opposed to the continued use of those certificates to support the aerial smuggling of narcotic drugs, marihuana, and depressant or stimulant drugs.

In consideration of the foregoing, it is proposed to amend Subchapters D, F, G, and H of Chapter I of Title 14 of the Code of Federal Regulations as hereinafter set forth:

A. Parts 61 and 63 would be amended by amending paragraph (a) of § 61.6 and paragraph (a) of § 63.12 to read as follows:

§ ------ Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) No person who is convicted of violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction.

* * * * *

B. Part 65 would be amended by adding new § 65.12 to read as follows:

§ 65.12 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) No person who is convicted of violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction.

(b) No person who commits an act prohibited by § 91.12(a) of this chapter is eligible for any certificate or rating issued under this part for a period of 1 year after the date of that act.

(c) Any conviction specified in paragraph (a) of this section, or the commission of the act referenced in paragraph (b) of this section, is grounds for suspending or revoking any certificate or rating issued under this part.

C. Part 91 would be amended by revising § 91.12 and by adding new § 91.84 to read as follows:

§ 91.12 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State agency.

§ 91.84 Flights between Mexico or Canada and the United States.

Unless otherwise authorized by ATC, no person may operate a civil aircraft between Mexico or Canada and the United States without filing an IFR or VFR flight plan, as appropriate.

D. Parts 133, 137, and 141 would be amended as follows:

1. By adding new § 133.14 to Part 133, new § 137.21 to Part 137, and new § 141.6 to Part 141 to read as follows:

§ ------ Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

These amendments are proposed under the authority of sections 307(c), 313(a), 601, 602, 603, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421, 1422, 1423, 1424, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 28, 1972.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.72-10177 Filed 7-3-72;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 72-760]

FEDERAL SAVINGS AND LOAN SYSTEM

Limited Facility Branch Offices

JUNE 27, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) relating to operations of Federal savings and loan associations for the purpose of providing for the establishment and operation by Federal savings and loan associations of an additional type of office facility to increase the viability of such associations in promoting thrift and housing financing. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 545 by adding a new paragraph (j) to § 545.14, immediately following present paragraph (i), to read as follows:

§ 545.14 Branch office.

* * * * *

(j) *Limited facility branch office*—(1) *General.* In connection with any application for permission to establish a branch office which the Board has determined does not satisfy in full the requirements of paragraph (c) of this section as to necessity and reasonable probability of usefulness and success, but such tests, in the opinion of the Board, are met to a degree which would support a limited operation of a branch office, the Board may approve the application as a limited facility branch office. Such an office, if approved by the Board, will be subject to limitations imposed by the Board as to one or more of the following:

(i) Number and type (supervisory, clerical, teller) of personnel to be utilized;

(ii) Physical size and characteristics;

(iii) Amount of capital investment by the applicant; and

(iv) Extent of activities.

In addition, an applicant for permission to establish a branch office under this section may propose that the office be a limited facility branch office in a case where the applicant believes that the tests in paragraph (c) of this section can be met only to a degree which would support a limited operation of a branch office, and the applicant may propose one or more of the limitations to be imposed by the Board. A limited facility branch office may be advertised to the public as a branch office.

(2) *Removal of limitations.* Limitations imposed by the Board in the case of a limited facility branch office may be removed by the Board in whole or in part from time to time upon application by the operating Federal association. No application for removal of limitations

may be filed until a limited facility branch office has been in operation for 2 years. If and when all limitations have been removed by the Board, the limited facility branch office will become a branch office to be operated by an association in the same manner, and subject to the same management discretion, as a branch office approved pursuant to this section.

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

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by July 28, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-10218 Filed 7-3-72;8:52 am]

[12 CFR Part 582]

[No. 72-761]

DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

Limited Facility Branch Offices

JUNE 27, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 582 of the regulations for District of Columbia savings and loan associations and branch offices (12 CFR Part 582) for the purpose of providing for the establishment and operation by District of Columbia savings and loan associations of an additional type of office facility to increase the viability of such associations in promoting thrift and housing financing. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 582 by adding a new paragraph (k) to § 582.1, immediately following present paragraph (j), to read as follows:

§ 582.1 Branch office.

* * * * *

(k) *Limited facility branch office*—(1) *General.* In connection with any application for permission to establish a branch office by a District of Columbia association which the Board has determined does not satisfy in full the requirements of paragraph (c) of this section as to necessity and reasonable probability of usefulness and success, but such tests, in the opinion of the Board, are met to a degree which would support a limited operation of a branch office, the Board may approve the application as a limited facility branch office. Such an office, if approved by the Board, will be subject to limitations imposed by the Board as to one or more of the following:

(i) Number and type (supervisory, clerical, teller) of personnel to be utilized;

(ii) Physical size and characteristics;

(iii) Amount of capital investment by the applicant; and

(iv) Extent of activities.

In addition, a District of Columbia association which applies for permission to establish a branch office under this section may propose that the office be a limited facility branch office in a case where the applicant believes that the tests in paragraph (c) of this section can be met only to a degree which would support a limited operation of a branch office, and the applicant may propose one or more of the limitations to be imposed by the Board. A limited facility branch office may be advertised to the public as a branch office.

(2) *Removal of limitations.* Limitations imposed by the Board in the case of a limited facility branch office may be removed by the Board in whole or in part from time to time upon application by the operating association. No application for removal of limitations may be filed until a limited facility branch office has been in operation for 2 years. If and when all limitations have been removed by the Board, the limited facility branch office will become a branch office to be operated by an association in the same manner, and subject to the same management discretion, as a branch office approved pursuant to this section.

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

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by July 28, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-10219 Filed 7-3-72;8:52 am]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order No. 14]

FIRST DEPUTY COMPTROLLER OF CURRENCY ET AL.

Delegation of Authority Regarding Order of Succession as Acting Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) Thomas G. DeShazo, Deputy Comptroller of the Currency.
(3) David C. Motter, Deputy Comptroller of the Currency.
(4) John D. Gwin, Deputy Comptroller of the Currency.
(5) Kenneth W. Leaf, Chief National Bank Examiner.
(6) William A. Howland, Jr., Administrative Assistant to the Comptroller of the Currency.
(7) Dean E. Miller, Deputy Comptroller of the Currency
(8) Richard J. Blanchard, Deputy Comptroller of the Currency.
(9) Albert J. Faulstich, Deputy Comptroller of the Currency.
(10) Regional Administrator of National Banks at Richmond, Va.
(11) Regional Administrator of National Banks at Philadelphia, Pa.
(12) Regional Administrator of National Banks at New York City, N.Y.
(13) Regional Administrator of National Banks at Cleveland, Ohio.
(14) Regional Administrator of National Banks at Atlanta, Ga.
(15) Regional Administrator of National Banks at Boston, Mass.
(16) Regional Administrator of National Banks at Chicago, Ill.
(17) Regional Administrator of National Banks at Memphis, Tenn.
(18) Regional Administrator of National Banks at Kansas City, Mo.
(19) Regional Administrator of National Banks at Minneapolis, Minn.
(20) Regional Administrator of National Banks at Dallas, Tex.
(21) Regional Administrator of National Banks at Denver, Colo.
(22) Regional Administrator of National Banks at San Francisco, Calif.
(23) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 13 is hereby repealed.

Dated: June 28, 1972.

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

[FR Doc.72-10205 Filed 7-3-72;8:49 am]

Internal Revenue Service

[Pay Board Ruling 1972-55; Cost of Living Council Ruling 1972-66]

REDUCTION IN WORKWEEK WITHOUT PROPORTIONATE DECREASE IN PAY

Pay Board and Cost of Living Council Ruling

Facts. In May of 1970, City X and the Firefighters Association contractually agreed to reduce the workweek of firefighters to 58.8 hours per week on January 1, 1971; to 57.4 hours on January 1, 1972; and to 56 hours on January 1, 1973. Additionally, a salary scale was agreed to effective July 1, 1970. Such salary scale is currently in effect, as is the workweek of 57.4 hours. The City and Association are presently negotiating a new salary scale for firefighters to be effective July 1, 1972.

Issue. In setting a new salary scale, is the scheduled workweek reduction to 56 hours, which results in an increase in the average straight-time hourly rate, includable in computing the permissible annual aggregate increase?

Ruling. Yes. Economic Stabilization Regulations, 6 CFR 101.2 (1972) include in the definition of "pay adjustment" "* * * benefits which result in more pay per hour or other unit of work or production (e.g., by shortening the workday without a proportionate decrease in pay)". Such benefit is also included in the Pay Board definition of "wages and salaries". See Economic Stabilization Regulations, 6 CFR 201.3 (1972). Therefore, a projected decrease in hours worked without a proportionate decrease in pay must be taken into consideration in determining the permissible annual aggregate increase for an appropriate employee unit. In the instant case, such permissible increase will be the general wage and salary standard of 6 CFR 201.10 (1972), (or, if applicable, an exception thereto under 6 CFR 201.11 (1972)) because the pay adjustment under negotiation—i.e., the new salary schedule—is a modification of an existing contract.

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

Dated: June 30, 1972.

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

Approved: June 30, 1972.

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

[FR Doc.72-10247 Filed 7-3-72;8:52 am]

[Price Commission Ruling 1972—206]

DETERMINATION OF PROFIT MARGIN VIOLATION

Price Commission Ruling

Facts. Company A, a manufacturer, makes cost-justified price increases (reduced to reflect productivity gains) from the base price on certain products. In the fiscal year in which A increased the prices, A had net sales of $10,300,000. The price increases contributed $400,000 to this amount. This contribution is calculated by multiplying the units sold times the increase per unit. The cost of sales and normal, generally recurring costs of business operations, determined before nonoperating items, extraordinary items and income taxes, was $9,500,000. Company A's base period profit margin was 5 percent as determined under the applicable definitions in Economic Stabilization Regulations, 6 CFR 300.5 (1972). Company B, also a manufacturer, has identical facts with one difference. B's price increases contributed only $200,000 to its net sales.

Issue. To what extent, if any, were the increased prices of Companies A and B in excess of those allowed by the regulations?

Ruling. The price increases of both firms resulted in a profit margin in excess of the base period profit margin. Therefore, a violation of Economic Stabilization Regulations, 6 CFR 300.12 (1972), exists. A is in violation by $300,000. B is in violation by $200,000.

A price in excess of the base price is permitted under section 300.12 of the regulations, "[O]nly to the extent the increased price does not result in an increase in [the firm's] profit margin over that which prevailed during the base period." If the price increases by A or B had not occurred, each firm's revenues and profit margin would have been less. Therefore, the current profit margin in excess of the base period profit margin is a result of the price increases. See 6 CFR 300.54(b)(1) (1972). The amount

by which increased prices are in violation of § 300.12 in any case is the lesser of:

(1) The contribution to net sales by the increased price; or

(2) The amount (expressed in dollars) by which the base period profit margin has been exceeded. This amount is the difference between actual revenues and the maximum revenues allowable to achieve the base period profit margin.

Maximum revenues allowable, (R), may be expressed in the following formula:

$$\frac{(R)-\text{Costs}}{(R)}=\text{Base period profit margin}$$

$$\text{or, } (R)=\frac{\text{Costs}}{1-\text{Base period profit margin}}$$

Company A, in the fact situation above, exceeded its base period profit margin by $300,000. This is because by using the formula above, the maximum allowable revenue for A is determined to be $10 million and A's actual revenues were $10,300,000. Since the difference, or excess profits, of $300,000 is less than the contribution to sales from the increased prices ($400,000) the amount of the violation by A is limited to $300,000.

In the case of Company B, the maximum allowable revenues and the profit margin figures would be the same as A's because B's facts are identical. However, since the contribution to net sales revenues from B's price increases is $200,000, which is less than the profit margin excess of $300,000, the amount of the violation by B is limited to $200,000.

Price Commission Ruling 1972–36, 37 F.R. 2990 (1972) is no longer applicable to the extent that it defines profit margin inconsistently with the manner of calculating profit margin used in this ruling. The definition of profit margin in § 300.5 of the regulations has been amended subsequent to the issuance of Ruling 1972–36.

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

Dated: June 30, 1972.

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

Approved: June 30, 1972.

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

[FR Doc.72-10248 Filed 7-3-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DEMONSTRATION OF MISS SYSTEM FOR SPRUCE BUDWORM CONTROL, MONTANA

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 proposed Demonstration of the Modular Internal Spray System for Spruce Budworm Control in Montana, USDA–FS–FES(Adm) 72–31.

The environmental statement concerns a proposal by the U.S. Forest Service in cooperation with the Department of Defense to conduct an aerial spray demonstration on approximately 3,000 acres of western sprunce budworm infested timber on the Ninemile Ranger District of the Lolo National Forest in western Montana.

This final environmental statement was filed with CEQ on June 22, 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, Northern Region, Federal Building, Missoula, Mont. 59801.

Lolo National Forest, 2801 Russell, Missoula, MT 59801.

A limited number of single copies are available upon request to Mr. Steve Yurich, Regional Forester, U.S. Forest Service, Federal Building, Missoula, Mont. 59801.

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.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

JUNE 28, 1972.

[FR Doc.72-10162 Filed 7-3-72;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions and Deletions

By notice in the FEDERAL REGISTER of March 15, 1972, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 7 (pp. 4923–24), April 4 (pp. 6770–72), May 2 (pp. 8890–95), and June 6 (pp. 11274–76). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The properties listed below which are marked by an asterisk, have been designated National Historic Landmarks by the Secretary of the Interior.

The following properties have been demolished and have been removed from the National Register:

ILLINOIS

St. Clair County

Belleville, *St. Clair County Courthouse,* Public Square.

KENTUCKY

Jefferson County

Louisville, *Old Central High School Building,* southwest corner, Eighth and Chestnut Streets.

The following properties have been added to the Register since June 6:

ALABAMA

Russell County

Fort Mitchell vicinity, *Fort Mitchell Site,* north of Fort Mitchell.

ALASKA

Northwestern District

Kiana vicinity, *Onion Portage Archeological District,* east of Kiana on the Kobuk River.

ARKANSAS

Hempstead County

Washington, *Confederate State Capitol (The Hempstead County Courthouse).*

Washington, *Washington Historic District,* boundaries correspond to original 1824 plat of Washington.

CALIFORNIA

Alameda County

Oakland, *Old Oakland Public Museum (Cameron-Stanford House),* 1426 Lakeside Drive.

Oakland, *Dunsmuir House,* Peralta Oaks Court.

Kings County

Hanford, *Taoist Temple,* No. 12 China Alley.

Los Angeles County

San Pedro, *Point Fermin Lighthouse,* 805 Paseo Del Mar.

Riverside County

Valerie vicinity, *Coachella Valley Fish Traps,* 2 miles west of Valerie.

San Joaquin County

Lockeford, *Locke Home and Barn,* 19960 West Elliott Road.

Salano County

Collinsville vicinity, *Hastings Adobe,* One-Third mile north of Collinsville on County Route 68, then east 1.25 miles on County Route 493.

Yolo County

Brooks vicinity, *Cañon School,* north of Brooks.

Rumsey

Rumsey Town Hall, California 16 at Manzanita Street.

COLORADO

Clear Creek County

Georgetown, *Hamill House,* Argentine Street and Third.

Denver County

Denver, *Pearce-McAllister Cottage*, 1880 Gaylord Street.

CONNECTICUT

Fairfield County

Stamford, *Old Town Hall.*

DELAWARE

Kent County

South Bowers vicinity, *Island Field Site*, 0.5 mile southeast of Bowers Beach.

New Castle County

Stanton vicinity, *Hale-Byrnes House*, south of Stanton at corner of Routes 7 and 4.

FLORIDA

Broward County

Fort Lauderdale, *New River Inn (City Hall Annex)*, 229 Southwest Second Avenue.

Citrus County

Inverness vicinity, *Fort Cooper*, 3 miles northeast of Inverness on U.S. 41 on the west bank of Fort Cooper Lake.

Duval County

Jacksonville, *Catherine Street Fire Station*, 14 Catherine Street.

Hillsborough County

Zephyrhills vicinity, *Fort Foster*, c. 9 miles south of Zephyrhills.

Lee County

Pine Island vicinity, *Demere Key (8L131)*, off western shore of Pine Island, in Pine Island Sound.

Leon County

Tallahassee, *Call, Governor Richard Keith, House (The Grove)*, Adams and First Avenue.

Monroe County

Miami vicinity, *Indian Key*, 75 miles south of Miami between upper and lower Matecumbe Key.

Key West

East Martello Tower, South Roosevelt Boulevard.

Pinellas County

St. Petersburg, *Weeden (Weedon) Island Site*, Weeden Island Road, 1 mile south of Gandy Boulevard at Tampa Bay.

St. Johns County

St. Augustine, *Avero House*, 39 St. George Street.

St. Augustine vicinity

Fish Island Site, south of the city boundary near the Matanzas River.

Seminole County

Altamonte Springs, *Bradlee-McIntyre House*, Massachusetts Park Place and Florida 436, 1 mile east of Interstate 4.

GEORGIA

Troup County

La Grange vicinity, *Reid-Glanton House (Hutchinson House)*, intersection of Georgia 109 and Pattillo Road, east of La Grange.

IDAHO

Owyhee County

Silver City vicinity, *Silver City Historic District*, sec. 6, T 5 S, R. 3 W., on Jordan Creek.

ILLINOIS

Cook County

Oak Park, *Pleasant Home (Mills House)*, 217 Home Avenue.

Greene County

Eldred vicinity, *The Koster Site*, c. 3 miles south of Eldred.

Menard County

Petersburg vicinity, *Lincoln's New Salem Village*, south of Petersburg, New Salem State Park.

IOWA

Crawford County

Dow City vicinity, *The Dow House*, just outside edge of town on the south end of Prince Street.

Johnson County

Iowa City, *Old Capitol*, located at the center of the Pentacrest, the University of Iowa, bounded by Washington, Madison, Jefferson, and Clinton Streets.

Montgomery County

Red Oak, *Chautaugua Park*, Oak Street.

Polk County

Des Moines, *Terrace Hill (Hubbell Mansion)*, 2300 Grand Avenue.

KANSAS

Doniphan County

Fanning vicinity, *Fanning Archeological Site*, c. 1 mile north of Fanning.

Franklin County

Ottawa vicinity, *Jones Tauy, House*, c. 3 miles northeast of Ottawa.

McPherson County

Lindsborg vicinity, *Paint Creek Archeological Site*, c. 5 miles southwest of Lindsborg.

Ottawa County

Minneapolis vicinity, *Minneapolis Archeological Site (140T5)*, c. 2 miles south of Minneapolis.

KENTUCKY

Franklin County

Frankfort, *Glen Willis*, Leestown Pike.

Warren County

Bowling Green, *Moore, Maria, House*, 801 State Street.

Woodford County

Versailles vicinity, *Jouett, Captain Jack, House*, 5 miles southwest of Versailles on Craig's Mill Pike.

LOUISIANA

Iberville Parish

Plaquemine Lock, confluence of Bayou Plaquemine with the Mississippi River.

Natchitoches Parish

Melrose, *Melrose Plantation*, Louisiana 119.

MARYLAND

Baltimore (independent city), **Homewood*, North Charles and 34th Streets.
Mother Seton House, 600 North Paca Street.

Caroline County

Greensboro vicinity, *Willow Grove*, Maryland 457, 2.5 miles southeast of Maryland 213.

MASSACHUSETTS

Berkshire County

North Adams, *Freight Yard Historic District*, Boston and Maine Freighthouse Area, Troy and Greenfield Railroad Depot and Freight Area.
North Adams, *Monument Square-Eagle Street Historic District.*
Stockbridge, *Citizens Hall*, Stockbridge (Interlaken).

MICHIGAN

Baraga County

Assinins, *Assinins*, U.S. 41.

Charlevoix County

Norwood Township, *Pewangoing Quarry*, T. 33 N., R. 9 W.

Muskegon County

Egelston Township, *Spring Creek Site*, T. 10 N., R. 15 W.

Newaygo County

Everett Township, *Toft Lake Village Site*, T. 13 N., R. 12 W.

MINNESOTA

Pine County

Pine City vicinity, *Stumne Mounds*, about 4 miles west of Pine City on the Snake River.

MISSISSIPPI

Madison County

Mannsdale, *Chapel of the Cross*, on Mississippi 463, 6 miles northwest of its juncture with Interstate 55.

Tunica County

Tunica vicinity, *Hollywood Site*, SE¼, SW¼, Sec. 33, T. 3 S., R. 11 W.

MISSOURI

Jackson County

Kansas City, *Curtiss, Louis, Studio Building*, 1116–1118–1120 McGee Street.
St. Louis (independent city), *St. John Nepomuk Parish Historic District.*

MONTANA

Lewis & Clark County

Helena, *Helena Historic District.*

NEBRASKA

Cass County

Weeping Water vicinity, *Theodore Davis Site (25CC17)*, 1.5 miles east on Nebraska 250.

NEVADA

Nye County

Tonapah vicinity, *Belmont*, 46 miles northeast of Tonopah via U.S. 6, Nevada 8–A and 82.

NEW JERSEY

Burlington County

Burlington, *St. Mary's Episcopal Church*, north side Broad Street between Talbot and Wood Streets.

NEW YORK

Albany County

Albany, *Quackenbush House*, 683 Broadway.
Albany, *Washington Park Historic District*, Washington Park and properties that face it on Madison Avenue, Willett Street, State Street, and South Lake Avenue, plus Thurlow Terrace and Englewood Place.

Essex County

Lake Placid, *Brown, John, Farm*, John Brown Road.

Herkimer County

Salisbury Center, *Salisbury Center Covered Bridge*, Fairview Road and Spruce Creek.

Jefferson County

Sackets Harbor, *Union Hotel*, corner of Main and Ray Streets.

New York County

New York, *J. P. Morgan and Co. Building*, 23 Wall Street.
New York, *Saint-Mark's-in-the-Bowery*, East 10th Street at Second Avenue.

Otsego County

Cooperstown, *Otsego County Courthouse*, 193 Main Street.

Queens County

Flushing, *Kingsland Homestead*, 37th Street and Parsons Boulevard.

Saratoga County

Saratoga, *Casino-Congress Park-Circular Street Historic District*, bounded on the west by Broadway, on the north by Spring Street, and the southeast by Circular Street.
Saratoga Springs, *Todd, Hiram Charles, House*, 4 Franklin Square.

Schoharie County

Schoharie, *Old Lutheran Parsonage*, adjacent to Spring Street in Lutheran Cemetery.

Westchester County

Yonkers, *Trevor, John Bond, House*, 511 Warburton Avenue.

NORTH CAROLINA

Cumberland County

Fayetteville, *Kyle House*, 234 Green Street.

Franklin County

Louisburg, *The Person Place*, 603 North Main Street.

OHIO

Franklin County

Columbus, *Old Governor's Mansion*, 1234 East Broad Street.

Hamilton County

Cincinnati, *Findlay Market Building*, Esplanade at Elder Street, between Elm and Race Streets.

Lucas County

Waterville vicinity, *Interurban Bridge*, 1 mile south of Waterville, across Maumee River.

Shelby County

Sidney, *People's Federal Savings & Loan Association*, Public Square, 101 East Court Street at Ohio Avenue.

Summit County

Akron, *Old Akron Post Office*, 70 East Market Street.

Wood County

Interurban Bridge (also in Lucas County).

OKLAHOMA

Atoka County

Limestone Gap vicinity, *Leflore, Captain Charles, House*, c. one-half mile north of Limestone Gap on U.S. 69.

Ellis County

Arnett vicinity, *Site of Town of Grand*, c. 14 miles south of Arnett.

Garvin County

Hoover vicinity, *Site of Fort Arbuckle*, c. 0.5 mile north of Hoover.

Johnston County

Bromide vicinity, *Wapanucka Academy Site*, approximately 2 miles southeast of Bromide.

Kiowa County

Lugert vicinity, *Devil's Canyon*, approximately 3 miles southeast of Lake Altus Dam.

Latimer County

Wilburton vicinity, *Riddle's Station*, c. 3 miles east of Wilburton.

Muskogee County

Muskogee, *Union Agency*, Agency Hill in Honor Heights Park.

Jordan Valley, *Pelota Fronton*, Bassett Street

OREGON

Malheur County

(U.S. 95).
Vale *Old Stone House*, 283 South Main Street.

PENNSYLVANIA

Berks County

Pleasant Valley, *Gruber Wagon Works*, southeast of Mount Pleasant on Pennsylvania 183.

Bucks County

Fallsington, *Fallsington Historic District*.
Doylestown, *Fonthill*, East Court Street, at intersection of Pennsylvania 313.
Doylestown, *Moravian Pottery and Tile Works*, Court Street and Swamp Road (Pennsylvania 313).

Cambria County

Johnstown, *Cambria Public Library Building*, 304 Washington Street.

Chester County

West Chester, *National Bank of Chester County*, 17 North High Street.
West Chester, *Chester County Courthouse*, 10 North High Street.

Dauphin County

Harrisburg, *Walnut Street Bridge*, Walnut Street at Susquehanna River.

Lackawanna County

Scranton, *Tripp Family Homestead*, 1011 North Main Avenue.

Montgomery County

Collegeville vicinity, *Evansburg Historic District*, on U.S. 422, bounded by Cross Keys Road, Grange Avenue, Mill Road, and Ridge Pike.
Fort Washington, *Farmar Mill*, north of Flourtown junction of U.S. 309 and Pennsylvania 73.

Northampton County

Bethlehem, *The Old Water Works*, located in Historic Bethlehem Park.
Bethlehem, *The Tannery*, located in Historic Bethlehem Park.

Philadelphia County

Philadelphia, *Furness Library*, 34th Street below Walnut Street.
Philadelphia, *Grumblethorpe Tenant House*, 5269 Germantown Avenue.
Philadelphia, *Head House Square*, both sides of 400 block of South Second Street.
Philadelphia, *Southwark District*, bounded by Delaware and Washington Avenues, Fifth, Lombard, Front, and Catherine Streets.

Susquehanna County

Susquehanna, *Erie Railroad Station*.

RHODE ISLAND

Bristol County

Bristol, *Bristol Customs House and Post Office*, 420–448 Hope Street.
Bristol, *Reynolds, Joseph, House*, 956 Hope Street.

Kent County

Warwick, *Gaspee Point*, off Namquid Drive.
Warwick, *Pontiac Mills*, Knight Street, Pontiac.

Newport County

Newport, *Covell, William King, III, House*, 72 Washington Street.

Providence County

Forestdale, *Forestdale Mill Village Historic District*, running east and west along Main Street, northerly upon Maple Avenue.
Providence, *Haile, Joseph, House (Gardner House)*, 106 George Street.
Providence, *Grace Church*, 175 Mathewson Street.
Providence, *Pearce, Nathaniel, House*, 305 Brook Street.
Providence, *Trinity Square Repertory Theater (Majestic Theater)*, 201 Washington Street.

SOUTH CAROLINA

Allendale County

Johnson's Landing vicinity, *Lawton Mounds*, 0.75 mile south of Johnson's Landing off South Carolina 73.

Beaufort County

Beaufort, *Cuthbert, John A., House*, 1203 Bay Street.

Charleston County

Rockville, *Village of Rockville Historic* Height.

Chester County

Chester, *City of Chester Historic District*.

Laurens County

Laurens, *Laurens County Courthouse*, Laurens Courthouse Square.

TENNESSEE

Blount County

Maryville vicinity, *Sam Houston Schoolhouse*, northeast of Maryville on Tennessee 8.

Knox County

Knoxville, *Knoxville City Hall*, City Hall Park, Western Avenue.

Maury County

Columbia vicinity, *Zion Presbyterian Church*, 6.3 miles west of Columbia off Tennessee 99.

Montgomery County

Clarksville, *Clarksville Federal Building*, southwest corner of Commerce and South Second Streets.
Clarksville, *Poston Block*, southwest corner of Main and Telegraph Streets.

TEXAS

Fannin County

Bonham vicinity, *The Sam Rayburn House*, 1.5 miles west of Bonham on U.S. 82.

Galveston County

Galveston, *Ursuline Convent*, 2600 Avenue N.

Gonzales County

Gonzales, *Gonzales County Courthouse*, bounded by St. Louis, St. Paul, St. Lawrence, and St. Joseph Streets.

Tarrant County

Fort Worth, *Pollock-Capps House*, 1120 Penn Street.

VIRGINIA

Caroline County

Port Royal vicinity, *Gay Mont*, on U.S. 17 near junction with U.S. 301.
Lynchburg (independent city), *Lynchburg Court House*, Ninth Street between Court and Church Streets.
Petersburg (independent city), *Blandford Church*, 319 South Crater Road.

Roanoke County

Salem, *Evans House*, 213 Broad Street.

Rockbridge County

Lexington, **Washington and Lee University Historic District.*

Scott County

Nickelsville vicinity, *Killgore Fort House*, southeast side of Virginia 71, 0.8 mile south of intersection with Virginia 670.

WISCONSIN

Door County

Washington vicinity, *Rock Island Historic District*, island at northeast tip of Wisconsin, in Lake Michigan.

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.72-10135 Filed 7-3-72;8:50 am]

Office of the Secretary

[DES 72-69]

PROPOSED WILDERNESS AREA, MINGO NATIONAL WILDLIFE REFUGE, MISSOURI

Notice of Availability of Draft Environmental Impact Statement

Pursaunt to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for a proposed wilderness area in Wayne and Stoddard Counties, Mo., and invites written comments within 45 days of this notice.

Under this proposal, 1,705 acres of the Mingo National Wildlife Refuge would be designated as wilderness within the National Wilderness Preservation System. The statement examines the environmental impacts of the proposed designation.

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

Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Room 630, Twin Cities, Minn. 55111.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets NW., 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 26, 1972.

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

[FR Doc.72-10150 Filed 7-3-72;8:50 am]

[DES 72-70]

PROPOSED WILDERNESS AREA WITHIN IMPERIAL NATIONAL WILDLIFE REFUGE, YUMA COUNTY, ARIZ., AND IMPERIAL COUNTY., CALIF.

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 the Interior has prepared a draft environmental statement for a proposed wilderness area within the Imperial National Wildlife Refuge, Yuma County, Ariz., and Imperial County, Calif., and invites written comments within 45 days of this notice.

The proposed wilderness area will include approximately 9,475 acres of the Imperial National Wildlife Refuge to be designated as wilderness within the National Wilderness Preservation System.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 500 Gold Avenue SW., Room 9018, Post Office Box 1306, Albuquerque, NM 87103.

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, Room 288, 1500 Northeast Irving Street, Post Office Box 3737, Portland, OR 97208.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets NW., Washington, DC 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.

Date: June 26, 1972.

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

[FR Doc.72-10151 Filed 7-3-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

In the chapter alphabetically coded "3A-00"—Office of the Administrator (3A00)—delete the paragraph entitle *Office of Personnel (3A15)*. Also, replace the paragraph entitled Office of the Associate Administrator for Management with the following:

Office of the Associate Administrator for Management (3A19). Under the direction of the Associate Administrator for Management, who is a member of the Administrator's immediate staff: (1) Serves as the Administrator's principal staff arm for providing administration-wide leadership in all phases of management; (2) participates in executive policy formulation and execution; (3) advises on management implications of Administration plans and programs; (4) directs and coordinates the Administration's activities in the areas of management policy, systems management, financial management, procurement and materiel management, grants management, personnel management, engineering consultation, HSMHA library, and PHS claims activities; (5) collaborates with the Associate Administrator for Program Planning and Evaluation in the development and implementation of the 5-year program and financial plan for the Administrator's Program Planning and Budgeting System; and (6) assures coordination and liaison in these areas between the Administrator and the operating program offices.

Dated: June 23, 1972.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.72-10145 Filed 7-3-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-122N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 8, 1972 to May 16, 1972 (List No. 14-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The

specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFE PRESERVERS; REPAIRING AND CLEANING

Approval No. 160.006/27/0, Vacuum sterilizing cleaning processes for kapok and fibrous glass life preservers as outlined in Vacuum Sterilizing Co. letter dated June 20, 1967, and USCG Specification Subpart 160.006, where buoyancy fillers are not removed from envelope covers during cleaning process, manufactured by Vacuum Sterilizing Co., 1354 York Street, San Francisco, CA 94110, effective May 8, 1972. (It is an extension of Approval No. 160.006/27/P dated August 17, 1967.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/47/0, special approval for 15" x 15" x 3" rectangular unicellular plastic foam buoyant cushion with vinyl dip coating, dwg. No. 62D976 and Bill of Materials dated June 24, 1962, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective May 8, 1972. (It is an extension of Approval No. 160.049/47/0 dated August 23, 1967.)

Approval No. 160.049/69/1, special approval for 15" x 21" x 2" rectangular vinyl-dip coated unicellular plastic foam buoyant cushion, dwg. No. 1521 dated August 1, 1967, revision 1 dated August 24, 1967, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, effective May 8, 1972. (It is an extension of Approval No. 160.049/69/1 dated August 24, 1967.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/83/0, 30-inch, Model 850 foam ring buoy, fiberglass wrapped urethane foam, manufactured in accordance with USCG Specification Subpart 160.050 and A–P dwg. No. 850/2/72 dated February 3, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 10, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats, of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/352/0, Type II, Model SCBV, adult vinyl-dip coated unicellular plastic buoyant vest, dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective May 8, 1972. (It is an extension of Approval No. 160.052/352/0 dated August 1, 1967.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/30/0, Model LPWV, unicellular plastic foam, vinyl coated work vest, manufactured in accordance with USCG Specification Subpart 160.053 and Goodenow dwg. No. LP 101 dated December 8, 1971, for Merchant Vessels-Work Vest Only, manufactured by Goodenow Manufacturing Co., 1301 West 18th Street, Erie, PA 16501, effective May 10, 1972.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/30/0, adult X-large, Model No. 14023, vinyl dipped unicellular plastic foam "Water Ski Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 27, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76037, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/31/0, adult large, Model No. 14022, vinyl dipped unicellular plastic foam "Water Ski Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 27, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76037, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/32/0, child medium, Model No. 14021, vinyl dipped unicellular plastic foam "Water Ski Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 27, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76037, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/46/1, Model No. 770D or 8425 cloth covered unicellular plastic foam horseshoe life buoy, manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 7, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 9, 1972.

Approval No. 160.064/47/0, child medium, Model No. 6750, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/48/0, adult small, Model No. 6751, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/49/0, adult medium, Model No. 6752, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/50/0, adult large, Model No. 6753, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 28, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/51/0, child medium, Model No. SCCM, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 17, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76037, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala 36860, effective May 10, 1972.

Approval No. 160.064/52/0, adult large, Model No. SCAL, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 17, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76037, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective May 10, 1972.

Approval No. 160.064/53/0, adult medium, Model No. SCAM, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 17, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76037, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective May 10, 1972.

Approval No. 160.064/54/0, adult small, Model No. SCAS, vinyl dipped unicellular plastic foam "Water Ski-Jump Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 17, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76037, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective May 10, 1972.

Approval No. 160.064/89/0, child small, Model No. 14020, vinyl dipped unicellular plastic foam "Water Ski Jump Vest," manufactured in accordance with USCG

Specification Subpart 160.064 and UL report file No. MQ 27, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76037, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/131/0, adult small, Model No. CGAJJ–S, vinyl dipped unicellular plastic foam "Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 49, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76307, for Outdoor Supply Co., Inc., 1648 Lawson Street, Durham, NC 27703, effective May 10, 1972.

Approval No. 160.064/132/0, adult medium, Model No. CGAJJ–M, vinyl dipped unicellular plastic foam "Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 49, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76307, for Outdoor Supply Co., Inc., 1648 Lawson Street, Durham, NC 27703, effective May 10, 1972.

Approval No. 160.064/133/0, adult large, Model No. CGAJJ–L, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 49, manufactured by Texas Recreation Corp., Texas Water Crafters Division, Post Office Drawer 539, Wichita Falls, TX 76307, for Outdoor Supply Co., Inc., 1648 Lawson Street, Durham, NC 27703, effective May 10, 1972.

Approval No. 160.064/177/0, adult small, Model No. FJB–60S, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/178/0, adult medium, Model No. FJB–60M, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/179/0, adult large, Model No. FJB–60L, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/180/0, adult X-large, Model No. FJB–60XL, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/181/0, adult small, Model No. FJ–50S, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/182/0, adult medium, Model No. FJ–50M, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.-064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/183/0, adult large, Model No. FJ–50L, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.-064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/184/0, adult X-large, Model No. FJ–50XL, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.-064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/195/0, child small, Model No. 7–0075, vinyl dipped unicellular plastic foam "Ski and Sport Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 63, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Western Wood Manufacturing Co., Lake Oswego, Oreg. 97034, effective May 16, 1972.

Approval No. 160.064/196/0, child small, Model No. 7–0076, vinyl dipped unicellular plastic foam "Ski and Sport Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 63, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Western Wood Manufacturing Co., Lake Oswego, Oreg. 97034, effective May 16, 1972.

Approval No. 160.064/197/0, adult, Model No. 7–0077, vinyl dipped unicellular plastic foam "Ski and Sport Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 63, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Western Wood Manufacturing Co., Lake Oswego, Oreg. 97034, effective May 16, 1972.

Approval No. 160.064/198/0, adult, Model No. 7–0078, vinyl dipped unicellular pastic foam "Ski and Sport Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 63, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Western Wood Manufacturing Co., Lake Oswego, Oreg. 97034, effective May 16, 1972.

Approval No. 160.064/214/0, child small, Model No. VX80–XS, vinyl dipped unicellular plastic foam "Ski and Sport Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/215/0, child small, Model No. VX80–S/M, vinyl dipped unicellular plastic foam "Ski and Sport Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/216/0, adult, Model No. VX80–M/L, vinyl dipped unicellular plastic foam "Ski and Sport Safety Vest," manufactured in accordance with USCG Specification Subpart 160064 and UL report file No. MQ 71, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/217/0, adult, Model No. VX80–L/XL, vinyl dipped unicellular plastic foam "Ski and Sport Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No 160.064/229/0, child small, Model No. S9963, vinyl dipped unicellular plastic foam "life vests," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 106, manufactured by Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Ga. 30650, effective May 10, 1972.

Approval No. 160.064/230/0, child medium, Model No. S9964 vinyl dipped unicellular plastic foam "life vests," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 106, manufactured by Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Ga. 30650, effective May 10, 1972.

Approval No. 160.064/231/0, adult, Model S9965, vinyl dipped unicellular plastic foam "life vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No.

MQ 106, manufactured by Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Ga. 30650, effective May 10, 1972.

Approval No. 160.064/232/0, 20-inch, Model S9935, vinyl dipped unicellular plastic foam "Life Ring Buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 106, manufactured by Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Ga. 30650, effective May 10, 1972.

Approval No. 160-064/246/0, adult petite, Model No. SSV-21 or SSV-31, cloth covered unicellular plastic foam "buoyant vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/247/0, adult small, Model No. SSV-21 or SSV-31, cloth covered unicellular plastic foam "buoyant vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/248/0, adult medium, Model No. SSV-21 or SSV-31, cloth covered unicellular plastic foam "buoyant vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/249/0, child large, Model No. SSV-22 or SSV-32, cloth covered unicellular plastic foam "buoyant vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/250/0, child medium, Model No. SSV-22 or SSV-32, cloth covered unicellular plastic foam "buoyant vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/251/0, child small, Model No. PW-25-N, cloth covered unicellular plastic foam "buoyant vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/252/0, child medium, Model No. PW-57-N, cloth covered unicellular plastic foam "buoyant vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/253/0, child large, Model No. PW-79-N, cloth covered unicellular plastic foam "buoyant vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/254/0, adult petite, Model No. FJ-51, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/255/0, adult small, Model No. FJ-51, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective May 12, 1972.

Approval No. 160.064/256/0, adult medium, Model No. FJ-51, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/257/0, adult large, Model No. FJ-51, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective May 12, 1972.

Approval No. 160.064/281/0, child medium, Model No. VX75CG-S, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/282/0, adult, Model VX75CG-M, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/283/0, adult, Model No. VX75CG-L, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/284/0 adult, Model No. VX75CG-XL, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/285/0, adult, Model No. VX75CG-SXL, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/286/0, ladies adult, Model No. VX78CG, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 71, Type II Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for AMF Voit, Inc., Santa Ana, Calif. 92702, effective May 15, 1972.

Approval No. 160.064/318/0, adult small, Model No. 16260, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 27, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/319/0, adult medium, Model No. 16260, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 27, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/320/0, adult large, Model No. 16260, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 27, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

Approval No. 160.064/321/0, adult X-large, Model No. 16260, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 27, manufactured by Buddy Schoellkopf Products,

Inc., 4100 Platinum Way, Dallas, TX 75237, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective May 11, 1972.

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/3/0, "Micarta" laminated plastic interior finish type F.R., 0.050 in. identical to that described in Westinghouse Corp. letter dated March 24, 1972 and Underwriters' Laboratories, Inc., file R4285 and R4286 dated June 23, 1960, bonded with No. G–9327 adhesive in accordance with instructions accompanying the adhesive, manufactured by Westinghouse Electric Corp., Decorative Micarta Division, Hampton, S.C. 29924, effective May 15, 1972.

Dated: June 28, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–10166 Filed 7–3–72;8:50 am]

[CGD 72–123N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from May 3, 1972, to May 25, 1972 (List No. 15–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

SEA ANCHORS, LIFEBOAT

The Eveready Canvas Corp., 270 Water Street, New York, NY 10038, no longer manufactures certain sea anchors and Approval No. 160.019/6/0 was therefore terminated effective May 12, 1972.

LIFEFLOATS FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufactures certain lifefloats and Approval Nos. 160.027/10/1, 160.027/11/1, 160.027/12/1, 160.027/13/1, 160.027/14/1, and 160.027/15/1 were therefore terminated effective May 10, 1972.

LIFEBOATS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufactures certain lifeboats and Approval No. 160.035/10/3 was therefore terminated effective May 25, 1972.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

The Keene Corp., Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, N.J. 08540, no longer manufactures certain structural insulations and Approval No. 164.007/22/0 was therefore terminated effective May 3, 1972.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, no longer manufactures certain incombustible materials and Approval No. 164.009/10/2 was therefore terminated effective May 18, 1972.

Dated: June 28, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–10167 Filed 7–3–72;8:50 am]

[CGD 72–116R]

PRESIDENT'S CUP REGATTA

Special Local Regulations

This notice promulgates special local regulations for the President's Cup Regatta. These special local regulations are established to insure the safety of life on the Potomac River at Washington, D.C., immediately before, during, and immediately after this regatta. Since these special rules must be made effective in less than 30 days to apply at the time of the scheduled event, I find that notice and public procedure on the issuance of these rules is impracticable and contrary to the public interest and that they may be made effective in less than 30 days from publication.

SPECIAL LOCAL REGULATIONS

(a) *Location.* The area subject to these regulations is those waters enclosed by a line drawn from the southern tip of Haines Point, Washington, D.C., to a point bearing 180° T, 900 feet from the southern tip of Haines Point; thence 245° T to the Virginia shoreline; upstream thence along the Virginia shoreline to the Penn Central Railroad Bridge between Washington, D.C. and Arlington, Va.; thence 034° T to the Potomac Park-Potomac River shoreline; thence along the Potomac Park-Potomac River shoreline to the southern tip of Haines Point.

(b) *Regulations.* (1) Except for participants in the President's Cup Regatta or persons or vessels authorized by the Coast Guard Patrol Officer, no person or vessel may enter or remain in the area specified in paragraph (a) of these regulations.

(2) The operator of any vessel in the immediate vicinity of the area specified in paragraph (a) of these regulations shall—

(i) Stop his vessel immediately upon hearing five or more short blasts of a horn or whistle from any vessel displaying a Coast Guard emblem; and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the areas specified in paragraph (a) of this regulation.

(4) The Coast Guard Patrol Officer is a commissioned officer of the Coast Guard, who has been designated by the Commander, Fifth Coast Guard District.

(5) These regulations and other applicable laws and regulations are enforced by Coast Guard officers and petty officers on board Coast Guard, public, and private vessels displaying the Coast Guard emblem.

(Sec. 1, 35 Stat. 69, as amended, sec. 6(b)(1) 80 Stat. 937; 46 U.S.C. sec. 454, 49 U.S.C. sec. 1655(b)(1); 46 CFR 100.35, 49 CFR 1.46(b))

Effective dates. These regulations are effective from 9 a.m., e.d.s.t., until 6 p.m., e.d.s.t., on July 5, 6, 7, 8, and 9, 1972.

Dated: June 29, 1972.

ROSS P. BULLARD,
Commander,
Fifth Coast Guard District.

[FR Doc.72–10320 Filed 7–3–72;12:01 pm]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–348, 50–364]

ALABAMA POWER CO.

Order of Board Concerning Schedule for Evidentiary Hearing

In the matter of Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2).

The hearing in the above captioned matter will commence on Tuesday, July 11, 1972, at 10 a.m., local time, in the Fourth Floor Courtroom, Houston County Courthouse, Main and Oak Streets, Dothan, Ala. 36301.

The agenda for this evidentiary hearing will concern environmental matters.

Dated at Washington, D.C. this 30th day of June 1972.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.72-10326 Filed 7-3-72;8:53 am]

[Dockets Nos. 50-348A; 50-364A]

ALABAMA POWER CO.

Notice of Antitrust Hearing on Application for Construction Permits

In the matter of Alabama Power Co. (Joseph M. Farley Units 1 and 2), Dockets Nos. 50-348A, 50-364A.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board) designated herein, to consider the antitrust aspects of the application filed under the Act by Alabama Power Co. (applicant) for construction permits for two pressurized water nuclear power reactors, designated as the Joseph M. Farley Nuclear Plant Units 1 and 2. The proposed facilities are to be located on the west side of the Chattahoochee River approximately 17 miles east of Dothan, Ala.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission) consisting of Michael Glaser, Esq., Carl W. Schwarz, Esq., and Walter W. K. Bennett, Esq., Chairman.

On September 4, 1971, the Commission published in the FEDERAL REGISTER a letter from the Attorney General dated August 16, 1971, advising the Commission that certain antitrust aspects of the application of Alabama Power Co. for construction permits required a hearing, pursuant to section 105c of the Act. A notice published with the Attorney General's letter provided that, within 30 days, any person whose interest may be affected by the proceeding could file a petition for leave to intervene and request for an antitrust hearing. In a timely petition, dated September 17, 1971, the Alabama Electric Cooperative, Inc. (Cooperative), Andalusia, Ala., requested leave to intervene and an antitrust hearing. The AEC Regulatory Staff (Staff) and the applicant have filed responses to the Cooperative's petition.

A second petition requesting leave to intervene and an antitrust hearing was filed by the Municipal Electric Utility Association of Alabama (Association) on February 23, 1972, beyond the 30-day period provided in the referenced notice. The Association represents 12 Alabama municipalities and utilities boards. The Alabama municipalities and utilities boards are the cities of Alexander City, Dothan, Fairhope, Lafayette, Lanett, Luverne, Opelika, Piedmont, Troy, and Tuskegee and the Utilities Boards of the city of Foley and city of Sylacauga. The Cooperative, the applicant and the Staff have filed responses to the Association's petition.

The Commission has determined that the two pending petitions should be ruled upon by the Board in regard to their respective requests for intervention herein.

A prehearing conference will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice (10 CFR Part 2). The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The issue to be considered at the hearing is whether the activities under the permits in question would create or maintain a situation inconsistent with the antitrust laws as specified in paragraph 105a of the Act. In its initial decision the Board will decide those matters relevant to that issue which are in controversy among the parties and make its findings on the issue.

A cardinal prehearing objective will be to establish, on as timely a basis as possible, a clear and particularized identification of those matters related to the issue in this proceeding which are in controversy. As a first step in this prehearing process, the Board shall obtain from the parties a detailed specification of the matters which they seek to have considered in the ensuing hearing.

In the event the Board finds that the activities under the permits would create or maintain a situation inconsistent with the antitrust laws, it will also consider, in determining whether permits should be issued, continued,[1] modified, or conditioned, such other factors, including the need for power in the affected area, as the Board in its judgment deems necessary to protect the public interest. The Board's consideration in the latter regard shall be based on the record submissions by the parties relevant to that matter.

The applications and the Attorney General's letters have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Commission's Public Document Room, where they will be available for inspection by members of the public. Copies of all of the foregoing documents will also be available at the Office of the Honorable A. A. Middleton, Chairman, Houston County Commission, city of Dothan, Houston County, Ala.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified hereinabove. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

In the event that the Board grants either or both pending petitions to intervene, persons permitted to intervene shall become parties to the proceeding, and shall have all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's rules of practice, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, 1717 H Street NW., Washington, DC. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR § 2.785 of the Commission's rules of practice, and has made the delegation pursuant to subparagraph (a)(1) of that section. The Appeal Board for this proceeding will be composed of three members designated in a subsequent Commission notice (10 CFR 2.787).

Dated at Germantown, Md., this 28th day of June 1972.

ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-10223 Filed 7-3-72;8:51 am]

[1] The instant application is covered by section 105c(8), pursuant to which a construction permit may be issued for certain applications filed with the Commission prior to Dec. 19, 1970, subject to subsequent antitrust review under section 105c.

[Docket No. 50-269A, etc.]

DUKE POWER CO.

Notice of Consolidated Antitrust Hearing on Applications for Construction Permits and Operating Licenses

In the matter of Duke Power Co. (Oconee Units 1, 2, and 3, McGuire Units 1 and 2), Dockets Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a consolidated hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board) designated herein, to consider the antitrust aspects of the applications filed under the Act by Duke Power Co. (the applicant), for (a) construction permits for two pressurized light water nuclear power reactors (McGuire Nuclear Station Units 1 and 2) and (b) operating licenses for three pressurized light water nuclear power reactors (Oconee Nuclear Station Units 1, 2, and 3). The proposed McGuire Nuclear Station Units will be located on the shore of Lake Norman, approximately 17 miles northwest of Charlotte, N.C. The Oconee Nuclear Station Units are located in eastern Oconee County, near Seneca, S.C.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission) consisting of Joseph F. Tubridy, John B. Farmakides, and Walter W. K. Bennett, Chairman.

On September 4, 1971, the Commission published in the FEDERAL REGISTER a letter from the Attorney General dated August 2, 1971, advising the Commission that certain antitrust aspects of the operating license application of Duke Power Co. for the Oconee Nuclear Station Units 1, 2, and 3 required a hearing pursuant to section 105c of the Act. A notice published with the Attorney General's letter provided that, within 30 days, any person whose interest may be affected by the proceeding could file a petition for leave to intervene and request for an antitrust hearing. In a timely joint petition, dated September 29, 1971, 11 North Carolina municipalities requested leave to intervene and an antitrust hearing. The 11 North Carolina municipalities are the cities of Statesville, High Point, Lexington, Monroe, Shelby, and Albemarle, and the towns of Cornelius, Drexel, Granite Falls, Newton, and Lincolnton. The AEC regulatory staff and the applicant have responded to the joint petition.

On October 19, 1971, the Commission published in the FEDERAL REGISTER a letter from the Attorney General dated September 29, 1971, advising the Commission that certain antitrust aspects of the construction permit application of the Duke Power Co. for the William B. McGuire Nuclear Station Units 1 and 2 required a hearing pursuant to section 105c of the Act. A notice published with the Attorney General's letter provided that, within 30 days, any person whose interest may be affected by the proceeding could file a petition for leave to intervene and request for an antitrust hearing. In a timely joint petition dated November 16, 1971, nine North Carolina municipalities requested leave to intervene and an antitrust hearing. The nine North Carolina municipalities are: the cities of High Point, Lexington, Monroe, Shelby, and Albemarle, and the towns of Landis, Drexel, Granite Falls, and Lincolnton. Answers to these petitions were filed by the applicant and the AEC regulatory staff.

The Commission has found that consolidation of the hearings held in response of the advice of the Attorney General would be conducive to the proper dispatch of its business and to the ends of justice. The Commission has, therefore, determined that the hearings should be consolidated. (10 CFR § 2.716.) Power from the McGuire and Oconee Units is not proposed to be marketed separately but is to be added to the applicant's integrated system. The Attorney General has advised that the facts upon which he based his advice and recommendations for an antitrust hearing regarding the McGuire Units are identical to the facts set forth in his earlier communication concerning the Oconee Units. In addition, a number of North Carolina municipals who expressed their interest in antitrust issues concerning the Oconee Units have also expressed their antitrust interests in the McGuire Units. Although there are some minor variations in the makeup of the municipals concerning the McGuire and Oconee Units, the antitrust interests expressed for both units are the same. However, consolidation of the hearings does not mean that Duke Power Co.'s applications will be considered together as one application or are mutually dependent. There are two separate and distinct applications pending in this matter and each application will be reviewed on its own merits. Consolidation is simply for the convenience and dispatch of the Commission's business.

The Commission has also determined that the pending petitions should be ruled upon by the Board in regard to their respective requests for intervention.

A prehearing conference will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice (10 CFR Part 2). The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The issue to be considered at the hearing is whether the activities under the permits and licenses respectively in question would create or maintain a situation inconsistent with the antitrust laws as specified in paragraph 105a of the Act. In its initial decision, the Board will decide those matters relevant to that issue which are in controversy among the parties and make its findings on the issue.

A cardinal prehearing objective will be to establish, on as timely a basis as possible, a clear and particularized identification of those matters related to the issue in this proceeding which are in controversy. As a first step in this prehearing process, the Board shall obtain from the parties a detailed specification of the matters which they seek to have considered in the ensuing hearing.

In the event the Board finds that the activities under the respective permits or licenses would create or maintain a situation inconsistent with the antitrust laws, it will also consider, in determining whether permits or licenses should be issued, continued, modified, or conditioned, such other factors, including the need for power in the affected area, as the Board in its judgment deems necessary to protect the public interest. The Board's consideration in the latter regard shall be based on the record submissions by the parties relevant to that matter.

The applications and the Attorney General's letters have been placed in the Commission's Public Document Room, 1717 H. Street NW., Washington, DC. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Commission's Public Document Room, where they will be available for inspection by members of the public. Copies of all the foregoing documents will also be available at the Public Library of Charlotte and Mecklenburg Counties, 310 North Tyron Street, Charlotte, NC.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified hereinabove. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

In the event that the Board grants either or both pending petitions to intervene, persons permitted to intervene

shall become parties to the proceedings, and shall have all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's rules of practice, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this consolidated proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to subparagraph (a)(1) of that section. The Appeal Board for this proceeding will be composed of the Chairman and two members designated in a subsequent Commission notice (10 CFR 2.787).

Dated at Germantown, Md., this 28th day of June 1972.

ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-10224 Filed 7-3-72;8:51 am]

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Notice of Appointment of Alternate Appeal Board Chairman

In the matter of Consumers Power Co. (Midland Plant Units 1 and 2), Docket Nos. 50-329, 50-330.

The Commission has delegated its authority and review function in this proceeding to the Atomic Safety and Licensing Appeal Board, consisting of the then Chairman and the present Vice-Chairman of the Appeal Board (Algie A. Wells, Esq., and Dr. John H. Buck) and a third member (Dr. Lawrence R. Quarles) designated by the Commission.

In accordance with § 2.787 of the rules of practice, the Commission has designated Sidney G. Kingsley, Esq., as Chairman of the Appeal Board, for the purpose of the Appeal Board's response to the "Order and Referral to the Appeal Board," dated March 10, 1972, of the Atomic Safety and Licensing Board in this proceeding.

It is so ordered.

Dated: June 29, 1972.

By the Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-10225 Filed 7-3-72;8:51 am]

[Docket No. 50-208]

COLUMBIA UNIVERSITY TRUSTEES, NEW YORK CITY

Notice of Reappointment of Appeal Board Chairman

In the matter of Trustees of Columbia University in the city of New York, Docket No. 50-208.

The Commission's authority and review function in this proceeding is vested in the Atomic Safety and Licensing Appeal Board. (10 CFR 2.785(a)(3); see notice, 34 F.R. 14302, September 11, 1969.) During the course of this proceeding to date, the Appeal Board has consisted of the then Chairman and the present Vice Chairman of the Board (Algie A. Wells, Esq., and Dr. John H. Buck) and a third member (Dr. Lawrence R. Quarles) designated by the Commission. Subsequently, Mr. Wells retired from his position of Appeal Board Chairman.

In accordance with § 2.787 of the rules of practice, the Commission has designated Algie A. Wells, Esq., to continue as Chairman of the Appeal Board for purposes of this proceeding.

It is so ordered.

Dated: June 29, 1972.

By the Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-10226 Filed 7-3-72;8:51 am]

[Docket No. 50-269]

DUKE POWER CO.

Order Extending Provisional Construction Permit Completion Date

By application dated June 2, 1972, Duke Power Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-33. The permit authorizes the construction of a pressurized water nuclear reactor, designated as the Oconee Nuclear Station, Unit 1, on the applicant's site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered,* That the latest completion date specified in Provisional Construction Permit No. CPPR-33 is extended from June 30, 1972, to February 28, 1973.

Dated at Bethesda, Md., this 27th day of June 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-10138 Filed 7-3-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21998, 23594; Order 72-6-125]

CHICAGO HELICOPTER AIRWAYS, INC., ET AL.

Order of Consolidation and Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of June, 1972.

By petition filed in Docket 21998, Chicago Helicopter Airways, Inc. (CHA), and the American Gage and Machine Co. Foundation (AGMF), Affiliated Industries Foundation and the Carroll Trust[1] request that the Board determine and declare that the acquisition of 158,000 shares of newly-issued common stock representing 26.83 percent of the outstanding shares of Chicago Helicopter Industries (CHI), sole owners of CHA's stock, did not result in the acquisition of control of CHA within the purview of section 408 of the Federal Aviation Act of 1958, as amended (the Act), or in the alternative, that the Board disclaim jurisdiction and grant such other relief as it may deem proper.

By subsequent amendments CHA, Helicopter Air Services, Inc. (HAS), Mercantile National Bank of Chicago (Mercantile) and Polk Bros. Inc. are added as parties and the Board is requested to approve, pursuant to section 408, (1) CHI's joint control of CHA and Mercantile, and (2) AGMF's or Polk Bros. Inc.'s common control of CHA and Mercantile, to the extent that either might be deemed to be in control of CHI.[2]

By application filed in Docket 23594 on July 6, 1971, CHA and Messrs. John S. Gleason, Jr., Wallace E. Carroll, and Samuel H. Polk request that the Board disclaim jurisdiction and approve under section 409 of the Act certain interlocking relationships involving various companies which are, and other enterprises which by reason of their direct or indirect stock ownership interests in CHA may be, within the latter's system of affiliated companies. The application specifies numerous interlocking relationships involving the air carrier, a surface common carrier and persons engaged in a phase of aeronautics.

CHI is a holding company which was organized in Delaware and owns all of the stock of CHA and HAS. CHA is a

[1] AGMF, a charitable foundation, Affiliated Industries Foundation, a charitable foundation, and the Carroll Trust, make up the "Foundation Group" which the parties deem to be one entity.

[2] In view of these amendments and the nature of the request for relief we shall refer to the original petition in this proceeding as the "application" and to the petitioners as the "applicants."

certificated air carrier which is incorporated in Illinois and conducts helicopter operations in the Chicago area. HAS is a Delaware holding company, which on October 31, 1969 acquired 64,368 shares or 50.48 percent of the outstanding stock of Mercantile stock. Mercantile's place of business is in Chicago and, through one of its divisions, Mercan-Tour, has been functioning as an ATC travel agent since 1966 and as an IATA travel agent since 1967. HAS' principal business is holding the stock of Mercantile.

AGMF, a foundation established by the American Gage and Machine Co. (AGM Co.), is managed by two trustees, Wallace E. Carroll and Lelia H. Carroll, his wife. AGM Co. is principally engaged, through its divisions and subsidiaries, in the production and distribution of electrical indicating, measuring and test equipment, transformers, trailers, and truck coaches, refrigerated truck bodies, springs, pumps, punch presses, precision gages, and related products. For example, one of its subsidiaries, Jewell Electrical Instruments, Inc. (Jewell) manufactures panel indicating instruments, precision components for the computer industry and mechanisms for use in aircraft instruments; another subsidiary, OEA, Inc., makes propellant and electroexplosive devices used in personnel escape systems for high speed aircraft and space vehicles. Eighty percent of the stock of AGM Co., acquired on May 11, 1970, is owned by Katy Industries, Inc. (Katy), a holding company organized in Delaware which controls, inter alia, 97.7 percent of the Missouri-Kansas-Texas R.R. Co. (Katy R.R.), operating in Missouri, Kansas, Oklahoma, and Texas. In turn, at least 43 percent of Katy's stock is owned, legally or beneficially, by the Carroll family interests.

Subsequent to the filing of the application in Docket 21998 the Foundation Group's stock interest in CHI and CHI's interest, through HAS, in Mercantile, have been augmented by their respective additional stock purchases.

Specifically, it appears that prior to the Foundation Group's acquisition of CHI's common stock on October 31, 1969, Polk Bros., Inc., a closely held family department store, Polk Bros. Foundation, a charitable foundation, and Mr. Sol Polk together,[3] held the largest single block of CHI stock. The Polk Group's ownership of CHI stock was accumulated as follows: On January 1, 1969, 116,481 shares or 35.23 percent; on August 5, 1969, 143,985 shares or 43.55 percent; and on October 30, 1969, 156,507 shares or 47.33 percent. On October 31, 1969, when the Foundation Group first acquired its newly-issued CHI stock, Polk Bros., Inc., also acquired 53,288 shares of the newly-issued stock, for a total individual holding of 185,482 shares or 31.49 percent, and a total Polk Group holding of 209,795 shares, then equal to 35.62 percent of the total outstanding shares. Thereafter, on May 28, 1971, Polk Bros., Inc., and the Carroll Trust (included in the Foundation Group) each acquired 19,608 newly-issued shares of CHI, which together with additional shares intermittently acquired, resulted in the Polk Group owning 240,107 shares or 38.22 percent (Polk Bros., Inc., alone owning 214,859 or 34.20 percent) and the Foundation Group owning 184,663 shares or 29.40 percent of CHI's outstanding shares.

Similarly, in regard to Mercantile stock, it appears that subsequent to the acquisition of 50.48 percent of Mercantile stock on October 31, 1969, HAS also acquired 24,755 shares or 10.2 percent on August 31, 1970, and some time thereafter an additional amount in excess of 13,000 shares or over 10 percent, resulting in a total holding as of July 6, 1971, of 102,127 shares or 80.1 percent of the total outstanding shares of Mercantile.[4]

Applicants' request for disclaimer in Docket 21998 raises a serious threshold question of jurisdiction regarding AGMF's acquisition of control of CHI within the meaning of section 408.

In their initial filing the applicants in Docket 21998 contend in effect that notwithstanding the acquisition of more than 10 percent of the outstanding shares of CHI, neither AGMF nor the Foundation Group of which it is a part acquired control of CHI because of the larger block of stock held by the Polk Group. The applicants also contend that in reaching this conclusion CHA is not only entitled to the benefit of the presumption now contained in section 408 of the Act,[5] but that a prima facie case is clearly established that AGMF did not acquire control of CHI due to the larger block of stock held by the Polk Group. However, in a subsequent amendment and without further development of underlying facts relating to the issue, applicants state that they do not believe that Polk Bros., Inc., holds control of CHI; that Polk Bros., Inc., did not consider itself to have control of CHI when the latter acquired control of Mercantile; and that the Polk Bros., Inc.'s, interest in CHI was offset by AGMF's acquisition of a substantial interest in CHI's stock.

The Board has decided to set for hearing the entirety of applicants' requests for disclaimer of jurisdiction or approval.[6] We do not have enough information at this time to determine that a disclaimer of jurisdiction regarding the acquisition of control of CHI is warranted, nor do the applicants' varying contentions resolve this uncertainty. In light of AGMF's acquisition of more than 10 percent of CHI's stock and the presumption of control thereby created, we believe that the jurisdictional issue of control can best be determined by a full evidentiary hearing.[7] Moreover, we are unable to determine that the Foundation Group's acquisition of CHI's stock and the Polk Group's simultaneous changes in its holdings of CHI stock do not affect the control of a direct air carrier, CHA, within the meaning of the third proviso of section 408(b). Hence, a determination without a hearing is not warranted.

On the question of jurisdiction the hearing should elicit information which will enable us to determine whether AGMF (or the Foundation Group) has acquired control of CHI and its subsidiaries, either alone or jointly with Polk Bros., Inc. (or the Polk Group),[8] whether additional control relationships within the purview of section 408 have thereby been created,[9] or whether AGMF is affiliated with a surface carrier within the meaning of section 408(b),[10] and what, if any, conditions should be imposed on any warranted order of approval in order to protect the integrity of the air carrier and its capability of fulfilling its certificate obligations in light of its affiliation with a system of enterprises engaged in diversified activities.[11]

Pursuant to Rule 12 of the Board's procedural regulations, we have decided to consolidate for hearing the proceeding in Docket 23594 involving section 409

[3] Polk Bros., Inc., Polk Bros. Foundation and Mr. Sol Polk are referred to herein as the "Polk Group."

[4] Moody's Transportation Manual, June 1, 1971.

[5] Section 408(f) provides that, "[F]or the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise * * *."

[6] Various control and interlocking relationships which are included in the instant proceedings were established without Board approval prior to the filing dates of the applications herein. However, exceptional circumstances appearing to exist, it has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the applications on their merits.

[7] See, REA Holding Corp., Order 70-7-142, July 30, 1970 and Order 71-2-17, Feb. 3, 1971.

[8] On and after October 31, 1969, when AGMF first acquired CHI stock and HAS acquired control of Mercantile, the latter made loans to Mr. Carroll, to companies in which he served as officer, director and/or controlling shareholder (Katy and AGM Co.) and to companies whose stock was held in a trust for the benefit of his children. It also appears that CHI agreed to use its best efforts to elect to its six-member board of directors one person designated by AGMF and one designated by Polk Bros., Inc.

[9] In this connection, substantive questions arise whether the common control of various organizations affiliated with AGMF (for example, Jewell and Katy R.R.) and CHA would create conflicts of interest which would be detrimental to CHA or which would create a monopoly or restrain competition and thereby jeopardize another air carrier.

[10] Under the second proviso to section 408(b) if the applicant is a carrier other than an air carrier, or a person controlled by a carrier other than an air carrier or affiliated therewith within the meaning of section 5(8) of the Interstate Commerce Act, such applicant shall for the purpose of section 408 be considered an air carrier, and the Board may not approve the acquisition unless it finds that the transactions proposed will promote the public interest by enabling such carrier other than an air carrier to use aircraft to public advantage in its operation and will not restrain competition.

[11] Cf. The Flying Tiger Line, Inc., Order 70-6-119, May 5, 1970.

interlocking relationships with the proceeding in Docket 21998 involving section 408 control relationships.[12] The proceedings involve substantially the same parties and closely related issues, and the Board finds that such consolidation will be conducive to the proper dispatch of its business and will not unduly delay the proceedings.

Accordingly, it is ordered, That:

1. The applicants' request for disclaimer of jurisdiction over or approval of the acquisition, and the control and interlocking relationships herein, be and they hereby are set for hearing before an examiner of the Board at a time and place to be hereafter designated;

2. The proceedings in Dockets 21998 and 23594 be and they hereby are consolidated; and

3. To the extent not granted herein, all other requests for relief without a hearing be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-10206 Filed 7-3-72;8:49 am]

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[Order 72-6-107]

GREYHOUND VAN LINES, INC.

Order Granting Temporary Relief

Issued under delegated authority, June 26, 1972.

From time to time, at the request of the Department of Defense (DOD), the Board has granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit unauthorized indirect air carriers to transport by air used household goods[1] of DOD personnel. The Board has granted this relief to 39 indirect air carriers.[2] The relief granted will expire 180 days after the Board's decision in Docket 20812 becomes final or, as to each individual company, upon Board disposition of such company's application for air freight forwarder and/or international air freight forwarder authority, whichever event shall occur first.

By letter dated June 8, 1972, the Department of the Army, acting on behalf of DOD, stated that in addition to the 39 carriers already exempted, it now has a requirement for the services of Greyhound Van Lines, Inc., an unauthorized indirect air carrier, and requests that it be similarly relieved from the requirements of the Act.

In the view of the foregoing circumstances, it is found that it is in the public interest to temporarily relieve Greyhound Van Lines, Inc. from the provisions of the Act to transport by air used household goods of personnel of DOD.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, Greyhound Van Lines, Inc. is hereby relieved from the provisions of title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department.

2. That the relief granted herein shall terminate 180 days after the Board's decision in Docket 20812 becomes final, or upon Board disposition of Greyhound Van Lines, Inc. application for air freight forwarder authority, whichever event shall occur first.

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and Greyhound Van Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file their petitions within 10 days after date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-10207 Filed 7-3-72;8:50 am]

CIVIL SERVICE COMMISSION

ACTION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of ACTION to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Director for Domestic and Anti-Poverty Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10182 Filed 7-3-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator for International Trade, Foreign Agricultural Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10183 Filed 7-3-72;8:47 am]

INTER-AMERICAN FOUNDATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Inter-American Foundation to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10184 Filed 7-3-72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Assistant to the Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10185 Filed 7-3-72;8:47 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Policy Development, Office of the

[12] The applicants are of course not precluded from pursuing any issues underlying requests for disclaimer of jurisdiction over any interlocking relationships involved in Docket 23594, or acquisitions and control relationships involved in Docket 21998.

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] See Order 72-5-99, dated May 26, 1972, for carriers previously granted relief.

Secretary, Office of the Assistant Secretary for Policy, Evaluation and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10187 Filed 7-3-72;8:48 am]

FEDERAL POWER COMMISSION

Notice of Title Change in Noncareer Executive Assignment

By notice of December 24, 1969, F.R. Doc. 69-15271 the Civil Service Commission authorized Federal Power Commission to fill by noncareer executive assignment the position of Chief, Office of Environmental Protection. This is notice that the title of this position is now being changed to Advisor on Environmental Quality.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10188 Filed 7-3-72;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of September 9, 1970, F.R. Doc. 70-11899 the Civil Service Commission authorized the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Assistant Commissioner for subsidized Housing Programs, Office of the Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner. This is notice that the title of this position is now being changed to Director, Office of Subsidized Housing Programs, Office of the Assistant Secretary for Housing Production and Mortgage Credit-FHA.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10189 Filed 7-3-72;8:48 am]

INTER-AMERICAN FOUNDATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Inter-American Foundation to fill by noncareer executive assignment in the excepted service the position of Vice President for Operations, Office of the President.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10186 Filed 7-3-72;8:48 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

JUNE 29, 1972.

On May 6, 1970, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Pakistan, concerning exports of cotton textiles from Pakistan to the United States over a 4-year period beginning on July 1, 1970. On June 15, 1972, the bilateral agreement was amended; and the duration of the agreement was extended through June 30, 1977. Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories of 87,712,500 square yards equivalent; within the aggregate limit, group limits on Categories 1-27 and 28-64 of 77,395,500 and 10,317,000 square yards equivalent, respectively; and within both of the aforesaid limits, specific limits on Categories 9/10, 15/16, 18/19 and parts of 26, 22/23, parts of 26, part of 31, and 41/42 for the third agreement year beginning on July 1, 1972.

There is published below a letter of June 29, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that for the 12-month period beginning July 1, 1972, and extending through June 30, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the indicated categories produced or manufactured in Pakistan and exported to the United States, be limited to the designated levels. At this time, no directions with respect to the aggregate limit and group limits are being given to the Commissioner of Customs. Notice is hereby given, however, that at a future date it may be necessary to give such directions in order to assist the Government of Pakistan in the implementation of these limits. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

JUNE 29, 1972.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective July 1, 1972 and for the 12-month period extending through June 30, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19 and part of 26, 22/23, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

Category		*12-month levels of restraint*
9/10	square yards	37,146,000
15/16	do	3,097,000
18/19 and part of 26 (print cloth) [1]	do	16,512,000
22/23	do	4,128,000
Part of 26 (bark cloth) [2]	do	6,189,000
Part of 26 (duck) [3]	do	8,771,250
Part of 31 (only T.S.U.S.A. No. 366.2740)	pieces	4,964,810
41/42	dozen	424,098

[1] In Category 26, only T.S.U.S.A. Nos.:

320.--34	322.--34	327.--34
321.--34	326.--34	328.--34

[2] Only T.S.U.S.A. Nos.:

320.--88	325.--88	330.--88
321.--88	326.--88	331.--88
322.--88	327.--88	320.--92
323.--88	328.--88	321.--92
324.--88	329.--88	322.--92
323.--92	328.--92	324.--92
329.--92	325.--92	330.--92
326.--92	331.--92	327.--92

[3] Only T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1972, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1971 through June 30, 1972. In the event that the levels of restraint established for that 12-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the

next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8302).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-10179 Filed 7-3-72;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from June 1, 1972, to June 15, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: June 27, 1972.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 1, 1972 AND JUNE 15, 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 General Plant.	3	A
Do	D-AEC-00052-00: Joseph M. Farley Nuclear Plant Units 1 and 2.	2	A
Do	D-AEC-00050-01: Maine Yankee Nuclear Power Plant.	2	A
Do	D-AEC-00049-45: Fort St. Vrain Nuclear Generating Station.	2	A
Corps of Engineers	D-COE-35023-04: Maintenance Dredging Scituate Harbor, Mass.	3	B
Do	D-COE-35019-05: Maintenance Dredging Norwalk Harbor, Conn.	2	B
Do	D-COE-30036-07: Hamlin Beach State Park Coop Beach Erosion Control Project Lake Ontario Monroe County, N.Y.	1	C
Do	D-COE-35021-11: Maintenance and Dredging of Erie Harbor, Pa.	3	D
Do	D-COE-30031-21: Beach Erosion Control Study Manatee County, Fla.	2	E
Do	D-COE-32333-27: Port Washington Small Boat Harbor, Ill.	1	F
Do	D-COE-30033-35: Lake Pontchartrain La. and Vicinity Hurricane Project.	1	G
Do	D-COE-32353-38: Kansas River Navigation Lawrence to Mouth, Kansas.	3	H
Do	D-COE-32336-46: Sacramento River, Bank Protection Project.	2	J
Department of Agriculture	D-DOA-36127-14: Prickett Creek Watershed Work Plan, W. Va.	2	D
Do	D-DOA-36128-20: Mill Branch Watershed Project Bacon County, Ga.	2	E
Do	D-DOA-36119-24: Moorhead Bayou Watershed, Miss.	1	E
Do	D-DOA-34044-24: Big Black River Comprehensive Basin Study, Miss.	1	E
Do	D-DOA-32342-21: Port Everglades Harbor Broward County, Fla.	2	E
Do	D-DOA-89069-26: Daryland Power Co-op., Buffalo County, Ohio	2	F
Do	D-DOA-05375-39: New Madrid Station Unit 2 Missouri.	2	H
Department of Commerce	D-DOC-89096-29: Leading Creek Conservancy District Maigo County, Ohio.	2	F
Department of Defense	D-DOD-11017-06: Naval Station Basin for Drydock Newport, R.I.	2	B
Do	D-DOD-89076-45: Air Force Academy Airmanship Program.	1	I
Department of the Interior	D-DOI-61052-15: Proposed Restricting of Vehicles on Back Bay National Wildlife Refuge, Va.	1	D
Department of Transportation	D-DOT-41246-05: Construction of Interstate 291 I-84 to I-91.	3	B
Do	D-DOT-41263-12: I-83 Gay Street to Caroline Street and 4(F) Data on Lower Jones Falls Historic Area, Baltimore, Md.	3	D
Do	D-DOT-41262-12: I-95 Fr. Russell Street to O'Donnell Street, Maryland.	3	D
Do	D-DOT-41339-00: Proposed legislation DOJ and LMTA Act of '72	2	D
Do	D-DOT-41274-14: Route 108 Proposed Bridge over Ohio and Guyandot Rivers, Huntington, W. Va.	2	D
Do	D-DOT-41273-11: Reconstruction of Eighth Street, Luzerne County, Pa.	2	D
Do	D-DOT-51159-18: Plymouth Municipal Airport, Plymouth, N.C.	2	E
Do	D-DOT-41295-21: Sarasota and Manatee Counties, Fla., State Road 93 (I-75).	2	E
Do	D-DOT-41293-18: Six Forks Road, Wake County, N.C.	2	E
Do	D-DOT-41283-18: Shelby DeKalb Street Extension, Cleveland County, N.C.	1	E
Do	D-DOT-41282-21: S-299(7), Polk County, Fla.	1	E
Do	D-DOT-41281-23: State Route 34, Greenville Green County, Tenn.	1	E
Do	D-DOT-41280-21: Street Road 794, Palm Beach County, Fla.	2	E
Do	D-DOT-41271-23: Improvement of State Route 3, Dyer and Obion Counties, Tenn.	1	E
Do	D-DOT-41270-20: F-126-(2) Relocation of Carroll Road, Fulton County, Ga.	2	E
Do	D-DOT-41265-23: U-024-1 State Route 24, Davidson County, Tenn.	1	E
Do	D-DOT-41192-30: I-94, Hennepin County, Minn.	2	F
Do	D-DOT-41234-29: County Road No. 25A, Miami County, Ohio.	1	F
Do	D-DOT-41231-26: USH 12-CTH 'Q'-CTH 'M', Dane County, Wis.	1	F
Do	D-DOT-41242-25: M-14 Freeway, Washentaw and Wayne Counties, Mich.	2	F
Do	D-DOT-41240-25: M-24 Extension, Tuscola and Huron Counties, Mich.	1	F
Do	D-DOT-41239-25: I-275 Construction, Wayne County, Mich.	2	F
Do	D-DOT-41238-25: M-53 Mound Road Reconstruction, Macomb County, Mich.	1	F
Do	D-DOT-41289-26: FAP Route 7-1 Leon-Sparta Road STH 27, Monroe County, Wis.	1	F
Do	D-DOT-41287-28: FAS Route S-1095, St. Joseph County, Ind.	1	F
Do	D-DOT-41269-27: FA Route 23 (U.S. 30), Cook County, Ill.	1	F
Do	D-DOT-41255-26: U.S. H41, Winnebago County, Wis.	1	F
Do	D-DOT-41254-27: FAP Route 409 (U.S. 50), Marion County, Ill.	1	F
Do	D-DOT-41253-29: County Roads 37 and 43, Cuyahoga County, Ohio.	1	F
Do	D-DOT-41252-28: Route S-1572 (Bridge), Miami County, Ind.	1	F
Do	D-DOT-41251-27: FA Route 28, Ogle County, Ill.	1	F
Do	D-DOT-41258-34: Loop 499 Harlingen, Cameron County, Tex.	1	G
Do	D-DOT-51158-31: Meacham Field, Fort Worth, Tex.	2	G
Do	D-DOT-41259-35: State Highway 71 FR. Rocky Creek to Colo. Line, Fayette County, Tex.	1	G
Do	D-DOT-41284-38: SF 169-67 F 065-1(16), SF 169-67 F 067-1(34), SF 169-1 F 067-1(38), Neosho and Allen Counties, Kans.	1	H
Do	D-DOT 41250-36: North Platte Bypass and R.R. Viaduct, Nebr.	2	H

APPENDIX I—Continued

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 1, 1972 AND JUNE 15, 1972

Responsible Federal Agency	Title and identifying number	General nature of comments	Source for copies of comments
Department of Transportation	D-DOT-41248-37: Washington-Keokuk Project S-120, Iowa.	1	H
Do	D-DOT-41247-37: Linn County, U.S. 151, Iowa	1	H
Do	D-DOT-41285-39: Route 66 St. Louis Bridge Replacement over R. Des Peres, Mo.	1	H
Do	D-DOT-41286-36: Hershey S. Lincoln, Nebr	1	H
Do	D-DOT-41279-54: Fifth Avenue North Widening, Seattle, Wash.	2	K
Federal Power Commission	D-FPC-05377-05: Application Connecticut Light and Power Co. Rocky.	2	B
Do	D-FPC-05376-54: Spokane R. Project No. 2545, Washington.	2	K
Department of Health, Education, and Welfare.	D-HEW-81080-54: Walla Walla Community College First Phase Construction.	2	K
Department of Housing and Urban Development.	D-HUD-90026-00: FHA Mortgage Insurance for Seasonal Homes.	3	A
Do	D-HUD-85047-34: Proposed Armand Bayou Park Land Acquisition Project, Pasadena, Harris County, Tex.	1	G
Do	D-HUD-60049-34: Trinity R. Greenbelt Land Acquisition Project, Dallas County, Tex.	2	G

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggest only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 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, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-10077 Filed 7-3-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION EQUAL EMPLOYMENT ANNUAL REPORTS

Program Statements Required in Certificate Applications

JUNE 22, 1972.

The recently enacted Commission rules (§§ 76.311 and 78.75) prohibiting discrimination in employment practices by cable television systems and cable television relay stations require each operator of a cable system with five or more full-time employees (including those whose duties are related to the operation of a cable television relay station) to file an annual employment report on FCC Form 395. This form is normally required to be filed by May 31 of each year.

The new rules also require that an applicant for a certificate of compliance for a cable system not operational prior to March 31, 1972 (other than systems that were authorized to carry one or more television signals prior to March 31, 1972, but did not commence such carriage prior to that date), include in his application a statement of the proposed system's equal employment opportunity program, or a statement justifying the applicant's conclusion that he is exempt, under the rules, from having to file such a program.

A revised Form 895, which includes appropriate questions for cable operators, will be available shortly at the FCC in Washington, D.C., and the form will be mailed to all cable owners or operators on or about July 1, 1972. The filing deadline, for this year only, is August 31, 1972. Grants of extensions of time to file are not contemplated.

As to program statements in certificate applications, since this requirement went into effect May 9, 1972, applications filed prior to that date need not be amended to include such statements; however, applications filed on or after May 9, 1972 must contain such a statement, and will not be processed until any missing statements are supplied.

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

[FR Doc.72-10203 Filed 7-3-72;8:51 am]

[Dockets Nos. 19349, 19350; FCC 72R-178]

WILLIAM R. GASTON AND SANDHILL COMMUNITY BROADCASTERS, INC.

Memorandum Opinion and Order Enlarging Issues

In regard to applications of William R. Gaston, Southern Pines, N.C., Docket No. 19349, File No. BPH-7380; The Sandhill Community Broadcasters, Incorporated, Southern Pines, N.C., Docket No. 19350, File No. BPH-7444; for construction permits.

1. This proceeding involves the mutually exclusive applications of William R. Gaston (Gaston) and The Sandhill Community Broadcasters, Incorporated (Sandhill) for a new Class A FM broadcast station at Southern Pines, N.C. By order, 36 F.R. 23, 334, published December 8, 1971, the Chief of the Broadcast Bureau, acting under delegated authority, found both applicants basically qualified and designated their applications for hearing on a standard comparative issue only. Both applicants were granted a waiver of § 73.210(a)(3) of the Commission's rules which would permit location of the station's main studio outside the city limits of Southern Pines. Presently before the Review Board is a petition for leave to amend application, filed December 16, 1971, by Sandhill,[1]

[1] By order, FCC 72M-70, released Jan. 18, 1972, Hearing Examiner Herbert Sharfman certified to the Board the foregoing petition and the following related pleadings: (a) Opposition, filed Dec. 21, 1971, by Gaston; and (b) comments, filed Dec. 28, 1971, by the Broadcast Bureau.

and a motion to enlarge issues, filed December 23, 1971, by Gaston, seeking the addition of "Suburban," concentration of control, misrepresentation, nondisclosure and carelessness issues against Sandhill.[3] The Board will consider Gaston's motion to enlarge first.

SUBURBAN ISSUE

2. In its application, as amended on July 9, 1971, Sandhill identified the reference sources it consulted to determine the composition of the area it proposes to serve, primarily Moore County, and described that county in terms of minority, age, sex, occupational, and religious groupings. The applicant also named the two principals, Mr. and Mrs. Jack Younts, and the Station WEEB employees, Joseph Kureth and Catherine Owens, who conducted its ascertainment interviews.[4] Approximately 45 community spokesmen were reportedly contacted by means of personal and telephone interviews and the selective placing of a questionnaire, a copy of which is attached to the Sandhill application.[4] Selective interviews with an additional 36 persons and random interviews with 58 other persons were also enumerated by the applicant. The persons contacted in the selective and random interviews were identified by name and residence, whereas the 45 community spokesmen were, for the most part, identified by name, position, and residence. In addition, a brief summary of the information elicited from the community spokesmen was submitted as part of Sandhill's ascertainment showing. A listing of the 34 issues allegedly culled from the various interviews and the manner in which the applicant will treat these issues through its proposed programing is set forth in Exhibits 6 and 7 of the Sandhill application.

3. Gaston argues that the ascertainment showing detailed in Sandhill's amended application does not comport with the standards set forth by the Commission in its "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971). More specifically, Gaston alleges that the community leader survey conducted by the applicant at a Southern Pines Kiwanis luncheon meeting was devoid of any personal consultations with those leaders in attendance, whose views were elicited solely by means of a printed questionnaire, distributed and subsequently collected at that meeting. In support of its contention movant submits the affidavits of Justis Reives, a counselor at Sandhill Community College, and Lawrence M. Johnson, an attorney, both of whom attended the Kiwanis luncheon. Reives avers that while Jack Younts distributed the questionnaires and requested their completion, neither Younts nor any associate personally discussed the questionnaire with him or, as far as he could tell, with anyone else at that meeting. Similarly, Johnson states in his affidavit that no one at the Kiwanis luncheon engaged him in a discussion or interview of any kind relating to the questionnaire which he completed.[5] Gaston further alleges that the community leader survey is not reflective of the community's demographic structure since no effort was apparently made by Sandhill to single out and identify the groups and interests that would be represented at the Kiwanis luncheon. Movant also contends that Sandhill's statement concerning the responsiveness of the proposed programing to the community's ascertained needs and interests lacks the specificity required by the Commission's "Primer."

4. In opposition, Sandhill submits the affidavit of its president, Jack Younts, who avers that as a long-time member of the Moore County Kiwanis he is acquainted with most of the club's membership; that the membership includes many of the community, civic, and spiritual leaders of Southern Pines; and that the most effective way of contacting these known community spokesmen was, in his opinion, at one of the club's luncheon meetings.[6] Since the questionnaires were assertedly used "in conjunction with other personal consultations," Sandhill argues that the applicant cannot be faulted "for asking a gathered group of known community leaders to write rather than to recite their respective views of the community's most pressing need." In the applicant's view, the "Primer" requires nothing more than "an expression of the most pressing community problem from each interviewee." Although Reives completed a questionnaire, Younts states that the synopsis of Reives' views was predicated upon a conversation at the Kiwanis luncheon in which he heard Reives discussing drug abuse as the community's most pressing need. Similarly, the inclusion of Johnson in the listing of selective interviews was reportedly based, not upon Johnson's questionnaire, but rather upon a subsequent conversation with Younts. With respect to the responsiveness of its programing proposal, Sandhill contends that since this matter was the subject of a predesignation inquiry from the Commission and since the applicant's showing as set forth in Exhibits 6 and 7 of its amended application was not questioned in the instant designation order, the Commission must have concluded that the programs proposed were adequately related to the community's ascertained needs.[7]

5. The Review Board will add the requested "Suburban" issue.[8] Several deficiencies in Sandhill's ascertainment showing prevent a conclusion at this time that the applicant is aware of and responsive to the community needs of the area it seeks to serve. In its "Primer" (Q. & A. 9), the Commission directed applicants to submit "such data as is necessary to indicate the minority, racial,

[3] Other pleadings also before the Board for consideration are: (a) Opposition, filed Jan. 12, 1972, by Sandhill; (b) comments, filed Jan. 12, 1972, by the Broadcast Bureau; (c) reply to (a), filed Jan. 19, 1972, by Gaston; (d) reply to (b), filed Jan. 19, 1972, by Sandhill; (e) motion to file supplemental pleading and supplement to (c), filed Feb. 11, 1972, by Gaston; and (f) opposition to (e), filed Feb. 23, 1972, by Sandhill.

[4] Standard broadcast Station WEEB, the only extant broadcast facility in Southern Pines, N.C., is owned by the applicant's two principals, Mr. and Mrs. Jack Younts.

[4] The questionnaire, after briefly indicating Station WWEB's interest in filing an application for an FM facility in Southern Pines and the general purpose of the survey, solicited the interviewee's opinions as to "what are the most important public problems or issues having a direct bearing on the well-being of the people in this community." The interviewee was also requested to select the most important of the public issues he mentioned; to suggest how this issue could be solved; and to comment upon how this and other issues, such as pollution, civic disagreement, crime, drugs, could be solved by broadcast stations.

[5] In light of the affiant's statements, Gaston also questions Sandhill's candor with respect to its usage of the term "selective interviews."

[6] The affiant further states that the designation "selective interviews" refers to a list of community leaders whose responses indicated a sensitivity to and awareness of the needs and problems of the community. In view of this explanation and the fact that sufficient personal contact had been made with Messrs. Reives and Johnson to ascertain their views, the Board does not believe that a character issue is warranted on this basis. See RKO General, Inc., 33 FCC 2d 664, 670–71, 23 RR 2d 930, 936–37 (1972); Southern Broadcasting Company (WGHP–TV), 31 FCC 2d 661, 22 RR 2d 929 (1971).

[7] In reply, Gaston contends that Sandhill has not adequately answered the allegations raised concerning the shortcomings of its survey efforts. Requesting leave to file a supplement to its reply pleading, Gaston submits an affidavit of Reives, who avers that while Younts may have overheard the conversation he described, Younts never sought him out to discuss Reives' questionnaire. In addition, Reives also recites that Younts has attempted "to subject me to pressure" in my community, wherein Younts has reportedly stated that Reives was "stirring up trouble." By affidavit, Gaston states that, although Reives had initially informed him that Younts had exerted the pressure through Reives' employer, Reives later declined to supply an affidavit alluding to his employer or the pressure brought to bear by this individual. Gaston suggests that Younts' conduct in this regard and his attempt to mislead the Commission concerning his survey efforts which, in Gaston's opinion, is readily apparent from the various affidavits before the Board, should be explored at the hearing. We disagree. The Review Board has examined the affiants' various statements and has not found them to be in conflict. See Note 6, supra. Nor have we discerned therefrom an attempt by the applicant to mislead the Commission concerning its survey efforts. With respect to Younts' purported attempt to intimidate Reives, Gaston's allegations lack the specificity and supporting documentation necessary to warrant further consideration by the Review Board at this time. See § 1.229(c).

[8] The fact that Sandhill's ascertainment showing was before the Commission at the time of designation does not preclude the Board from now considering the adequacy of such showing since there was no "thorough consideration" or "reasoned analysis" of this matter in the designation order. See Community Broadcasters, Inc., 33 FCC 2d 714, 23 RR 2d 723 (1972); South Carolina Educational Television Commission (WITV), 20 FCC 2d 342, 17 RR 2d 772 (1969).

or ethnic breakdown of the community, its economic activities, governmental activities, public service organizations, and any other factor or activities that make the particular community distinctive". See "North American Broadcasting Co., Inc.," 30 FCC 2d 806, 22 RR 2d 508 (1971). The applicant has not complied with this directive. The information set forth in Sandhill's amended application does not relate, as required, to Southern Pines the proposed community of license; rather it mainly describes the composition of the area Sandhill proposes to principally serve—Moore County, N.C.[9] Since Sandhill has failed to submit a profile of its community, the Review Board is not able to determine that the spokesmen of the various groups contacted by the applicant constitute a representative cross-section of Southern Pines. See "Primer," Q. & A. 10; and "North Texas Enterprises, Incorporated," FCC 72–197, 37 F.R. 5316, published March 12, 1972; "Fajardo Broadcasting Corporation," FCC 72–11, 37 F.R. 628, published January 14, 1972. Another apparent shortcoming in the applicant's ascertainment efforts involves its use of a questionnaire in conducting its community leader survey. While a questionnaire may serve as "a useful guide for consultations with community leaders", it appears that Sandhill may have improperly used its questionnaire as a substitute for personal consultations with the community leaders who attended the Kiwanis luncheon. Such use would be incompatible with the underlying purpose of the "Primer." As stated by the Commission, "the Primer contemplates a person-to-person dialogue between the decision-making personnel of the (applicant) and the community leader being interviewed". "Fisher's Blend Station, Inc.," 30 FCC 2d 37, 21 RR 2d 1220 (1971). Also see paragraphs 33, 37, and 47 of the "Report and Order" adopting the "Primer," 27 FCC 2d at 633–66, 669, 21 RR 2d at 1521–24, 1527–28. When that dialogue is frustrated or inhibited with the result that the community leader is not able to fully present his opinions of community problems or the applicant does not have the opportunity to question the community leader with respect to his expressed views, a serious question is raised concerning reliance upon the survey method. See "Southern California Broadcasting Association, Inc.," 30 FCC 2d 705, 22 RR 2d 385 (1971). Since Sandhill has not detailed the method by which each listed community leader was surveyed, the significance of the applicant's use of a questionnaire in its community leader survey cannot now be assessed.[10] Sandhill's showing of the programs proposed in response to the ascertained needs and interests is also deficient. A total of 34 separate needs and problems are listed by Sandhill in its application. However, only a marginal attempt in exhibit 6 of the Sandhill amended application has been made to comply with the "Primer" (Q. & A. 29), which seeks "the description and anticipated time segment, duration and frequency of broadcast of the program or program series, and the community problem or problems which are to be treated by it". See "Salem Broadcasting Co., Inc.," 33 FCC 2d 672 (1972); "Cosmos Broadcasting Corporation (WSFA–TV)," 31 FCC 2d 200, 22 RR 2d 723 (1971). In its July 9, 1971 amendment, Sandhill concedes that exhibit 7 does not explicitly correlate the listed programs with any particular ascertained need and states its intention to utilize the public affairs and news programs listed therein "as vehicles for exposure of the needs (previously) described". This vague and general statement is clearly insufficient, and raises a serious question regarding the responsiveness of the proposed programing to the community's ascertained needs as evaluated. See "Middle Georgia Broadcasting Co.," 30 FCC 2d 796, 22 RR 2d 524 (1971); "Albert L. Crain," 28 FCC 2d 381, 21 RR 2d 607 (1971). In view of the foregoing, the Review Board will specify a "Suburban" issue as to Sandhill.

CONCENTRATION OF CONTROL ISSUE

6. Gaston seeks the inclusion of a hearing issue to ascertain whether a grant of the Sandhill application would cause "an undue concentration of control of local mass media in Southern Pines and its environs within the meaning of § 73.240 of the Commission's rules". In support thereof movant contends that Station WEEB, which, as noted, is owned by Sandhill, is the only existing broadcast facility in Southern Pines, a community of approximately 5,100 persons;[11] that Station WEEB serves as the only local station for several nearby North Carolina communities; and that Jack Younts, Sandhill's chief corporate officer and majority stockholder, is the vice president, director and 15 percent stockholder in Sandhill Community Antenna Corp. (SCAC), which holds CATV franchises in Southern Pines and Aberdeen and which is seeking a CATV franchise in Pinehurst, N.C. Under these circumstances, Gaston urges the addition of the requested issue to permit an assessment of the impact which the Sandhill proposal will have upon the diversity of control of the mass media in and around Southern Pines.

7. Both the Broadcast Bureau and Sandhill oppose the addition of a potentially disqualifying concentration of control issue, pointing out that § 73.240 deals with the "multiple" ownership of FM facilities; that Sandhill is applying for its first FM facility; and that the diversity of control of the mass media can be assessed under the standard comparative issue. In addition, Sandhill maintains that the cases cited by Gaston, "Frontier Broadcasting Company", 21 FCC 2d 570, 18 RR 2d 521 (1970) and "Lee Enterprises, Inc.," 18 FCC 2d 684, 16 RR 2d 904 (1969), are factually distinct from the instant situation and offer no support for movant's request. According to Sandhill, the "Frontier" case involved a renewal applicant, which not only owned the only television station, the only AM station, and one of the two FM stations in Cheyenne, Wyo., but also, through its principals, owned and operated a Cheyenne CATV system, controlled the company that published the city's only morning, afternoon, and Sunday newspapers, and had ownership interests in several other Wyoming newspapers and broadcast facilities. In Sandhill's view, the specification of the concentration of control issue in the "Lee" case was premised upon the extensive regional newspaper and broadcast ownership interests of the FM applicant.[12]

8. Gaston's request for a concentration of control issue will be denied. Rule 73.240(a)(2), as pointed out in the oppositions, in no way inhibits the acquisition by a daytime-only AM licensee of a FM station in the same community.[13] This

[9] Aside from a brief description of the community's summer recreational program, the material submitted by the applicant does not particularize the distinguishing characteristics of Southern Pines.

[10] The applicant's submissions with respect to its consultations with community leaders and members of the general public also suffer from a lack of specificity concerning the timing of these consultations (Primer, Q. and A. 15) and the identification of the specific interviewer. In the latter regard, the Board notes that only principals and management-level employees who have an effective voice in the decisionmaking process of the applicant can be used to consult with community leaders (Primer, Q. and A. 11(a)). Since Miss Owen's position as Station WEEB's traffic manager does not suggest the necessary responsibility, participation by her in the applicant's community leader survey may reflect upon the adequacy of this survey. See Southern Broadcasting Company (WGHP–TV), supra.

[11] Allegedly, no local daily newspaper is published in the Southern Pines area. One weekly newspaper, The Pilot, is published in Southern Pines with Aberdeen, a nearby North Carolina community, also having its own weekly newspaper. The size and circulation of these newspapers are not set forth.

[12] In reply, Gaston argues that the requested issue is required since Sandhill has not shown the existence of any diverse sources of local information within its proposed service area. In view of the Commission's recent interest in considering AM and FM as integral parts of a total aural service, Gaston further submits that § 73.240 should now be applied whenever the addition of an FM facility may result in a concentration of control.

[13] Notwithstanding the Commission's continuing concern with the relationship between the AM and FM services, there is presently no existing or proposed proscription of joint AM–FM ownership in the same market. See Memorandum Opinion and Order (Docket No. 18110) relating to the multiple ownership of standard, FM and television broadcast stations. 28 FCC 2d 662, 671–72, 21 RR 2d 1551, 1561–62 (1971). In the same vein, the Commission has not proposed rules prohibiting the multiple ownership of radio broadcast stations and CATV systems. See notice of proposed rule making and of inquiry (Docket No. 18891) relating to the diversification of control of community antenna television systems, 23 FCC 2d 833 (1970).

is not to say, however, that an appropriate issue cannot be framed if a serious question is raised concerning an undue concentration of control of the local communications media. See "WHBL, Inc.", 15 FCC 2d 111 (1968); "American Television Company, Inc.", FCC 67–1210, 32 F.R. 15771, released November 13, 1967, reconsideration denied 12 FCC 2d 518, 13 RR 2d 451 (1968). Nevertheless, standing alone, movant's recitation of Jack Younts' broadcast and CATV interests in and around Southern Pines does not raise such a question. See "WTAR Radio-TV Corp. (WTAR–TV)", 31 FCC 2d 812, 19 RR 2d 661 (1970), review denied FCC 70–1251, released December 7, 1970; "Stamps Radio Broadcasting Company", 11 FCC 2d 48, 11 RR 2d 1008 (1967); and "Skylark Corp.", FCC 64R–373, 3 RR 2d 566 (1964). Rather than indicating the radio and television reception services which it concedes might be available from other markets, Gaston has attempted by surmise and inference to show the lack of competing communications media in the Southern Pines area.[14] Movant has also failed to offer any factual data concerning the size, extent and location of the common service areas, the number of people served, or the extent of other communications media available to the area and people in question. As the proponent of the requested issue, Gaston is required under § 1.229(c) to present sufficient factual allegations to support its request. In view of the foregoing, however, the Board finds Gaston's allegations insufficient to warrant the addition of a concentration of control issue. See "Media, Inc., supra"; "National Broadcasting Company, Inc. (KNBC)", 21 FCC 2d 195, 18 RR 2d 74 (1970), reversed in part on other grounds FCC 70–691, released July 7, 1970. We note, however, that Sandhill's media interests may be considered under the diversification criteria of the standard comparative issue.

MISREPRESENTATION, NONDISCLOSURE AND CARELESSNESS ISSUES

9. The character issues requested by Gaston principally stem from Sandhill's failure to fully disclose in its application Jack Younts' connection with Sandhill Community Antenna Corp. (SCAC) and that corporation's interests in CATV franchises for Southern Pines and Aberdeen and a CATV franchise application for Pinehurst. See note 6, supra. In response to Table II, "Business and Financial Interests", section II of its application, Sandhill reports that from 1965 to 1970, Younts had a 50 percent ownership interest in SCAC. Gaston argues that a nondisclosure or misrepresentation issue is warranted since the Sandhill application did not reveal the following information: That during this 5-year period Younts was also a vice president and director of SCAC; that Younts has maintained his official relationship with SCAC from 1970 to the present, while reducing his ownership interest to 15 percent; and that SCAC holds two CATV franchises (and is seeking a third) for several communities in the Southern Pines area.[15] These omissions, in movant's view, are significant insofar as they relate to the concentration of control question and Sandhill's comparative position in this proceeding.[16] Even if a nondisclosure or misrepresentation issue is not specified, Gaston further submits that the applicant's failure to disclose the full intent of Younts' interest in SCAC, when considered in light of the clear instructions set forth in Table II of the application, indicates carelessness and sloppiness of such magnitude as to require the addition of an issue in this regard.

10. Sandhill opposes the inclusion of a character issue, arguing that Younts' sworn statement of inadvertence has not been controverted by movant and that the initial omission could hardly have been willful, as suggested by Gaston, in light of the applicant's disclosure of Younts' mistake prior to the submission of the instant motion.[17] Since Younts' CATV interests were assertedly a matter of public knowledge in the Southern Pines area, Sandhill further contends that the principal would not have been so foolhardy as to attempt to conceal them from Gaston. Sandhill concedes that Younts, an experienced broadcaster, should have fully reported his involvement with CATV; however, this omission does not, in the applicant's view, indicate a deliberate attempt to conceal this information. According to Sandhill, the omission caused neither benefit nor detriment to any party and a hearing inquiry in this regard would be an unnecessary and useless expenditure of Commission time. Similarly, Sandhill submits that the inclusion of a carelessness issue premised upon this matter would be inappropriate.[18]

11. Table II, section II, of FCC Form 301 requires that an applicant disclose, not only the principal occupations and businesses in which each principal or director is engaged, but also "any other business or financial enterprise in which such party has now or within the past 5 years has had either a 25 percent or greater interest or any official relationship." With respect to the listed businesses, the firm name, principal place of business, and a description of the nature of the listed business and the extent and nature of the party's interest, official relationship, or association therewith is also specifically called for by the Commission. The Review Board believes that Sandhill's failure to initially disclose in its application the full extent of Younts' involvement with SCAC and the latter's possession of CATV franchises for Southern Pines and Aberdeen require the addition of an issue regarding compliance with § 1.514.[19] See "Media, Inc.," 25 FCC 2d 625, 20 RR 2d 146 (1970); "Martin Lake Broadcasting Co.," 28 FCC 2d 56, 21 RR 2d 475 (1971). As the Board recently noted in "Lake Erie Broadcasting Company," 34 FCC 2d 354, 24 RR 2d 64 (1972), an applicant's interest in CATV franchises clearly represent an interest in an existing media of mass communications, and such interests should be reported, especially when the proceeding is comparative in nature. Since the applicant was also remiss in apprising the Commission of SCAC's filing of a CATV franchise for Pinehurst and since the Board is not able to ascertain from the pleadings before it whether this event occurred prior or subsequent to the submission of the Sandhill application on April 7, 1971, the issue specified will permit an exploration of a possible violation of § 1.65. See "Lake Erie Broadcasting Company," supra; and "Alvin L. Korngold," 31 FCC 2d 39, 22 RR 2d 661 (1971). However, a separate misrepresentation issue, based upon the aforementioned omissions, is not warranted. In any event, the question of intent, together with other surrounding circumstances, may be examined under the character issue being specified herein. See "Southern Broadcasting Company (WGHP–TV)," FCC 72R–73, 23 RR 2d 1197, released March 22, 1972. The Review Board will however, deny the request for a carelessness issue since Gaston's allegations do not demonstrate a

[14] For example, Gaston states in its reply pleading that the introduction of CATV in the Southern Pines area emphasizes that an area's remoteness from a broadcast reception standpoint. However, the mere fact that an area is rural does not adequately support a request for a concentration of control issue. See Media, Inc., 22 FCC 2d 875, 18 RR 2d 1175 (1970).

[15] The omitted information was first set forth by Sandhill in a Dec. 16, 1971 amendment to its application. See paragraph 12, infra. The amendment further reflected that prior to December, 1966, Younts was a vice president, director and 20 percent stockholder in Rockingham-Hamlet Cablevision, Inc., a CATV franchise-holder in Rockingham and Hamlet, N.C. Tendered with the amendment is an affidavit of Jack Younts, who avers that he misunderstood the instructions to Table II and inadvertently failed to set forth his official relationship with the above CATV corporation and that his error was not discovered until a Dec. 16, 1971 conversation with counsel.

[16] Gaston also questions why Younts did not disclose his CATV connections to counsel until nearly 8 months after the filing of the Sandhill application on Apr. 6, 1971. In the same vein, the Broadcast Bureau cannot accept the explanation proffered by Younts, an experienced broadcaster, who was at all times represented by counsel. According to the Bureau, a failure to disclose issue under § 1.514 and a misrepresentation issue appear warranted.

[17] On Jan. 19, 1972, Sandhill submitted a reply to the Bureau's comments, which had been directed to Gaston's motion to enlarge. Sandhill's response is not authorized by § 1.294; however, the Board will accept and consider this unopposed pleading in view of the seriousness of the requested issues, which relate to a possible willful concealment of material matters from the Commission. See note 7, "supra; and Elim Bible Institute, Inc.," 10 FCC 2d 632, 11 RR 2d 751 (1967).

[18] Arguing that complete disclosure is particularly expected of experienced broadcasters and reiterating the significance of the omission in the instant proceeding, Gaston in reply urges the Board to add the requested character issues.

[19] In pertinent part, subsection (a) of the rule requires that: "Each application shall include all information called for by the particular form on which the application is required to be filed."

pattern of carelessness, inadvertence, or indifference to the Commission's rules and an issue has already been included as to the completeness and continued accuracy of the Sandhill application. See "Tung Broadcasting Company," FCC 72 R–62, 23 RR 2d 1185, released March 13, 1972; "Media, Inc.," 22 FCC 2d 886, 19 RR 2d 2 (1970).

PETITION TO AMEND

12. Sandhill's petition to amend and related pleadings (See Note 1, supra) were certified to the Board by the Hearing Examiner because the tendered amendment sought to supply the omitted information concerning Jack Younts' CATV interests and because the Examiner believed that correction of the alleged mistake might somehow prejudice Gaston's request for the addition of a nondisclosure or misrepresentation issue concerning this matter. No substantive objection is raised as to the acceptance of the amendment; in its pleading, Gaston requested the Hearing Examiner to defer ruling upon the Sandhill amendment until the Review Board had an opportunity to consider the instant motion to enlarge. Since we have resolved Gaston's motion in this document, no opposition to the proposed amendment remains,[20] and the Review Board is of the opinion that good cause having been demonstrated by Sandhill, acceptance of its amendment is warranted. In this regard, the Board notes that the amendment seeks to supply information called for by the application; that the orderly conduct of the hearing will not be disrupted by acceptance of the amendment, which will not necessitate additional hearings which otherwise would not have to be held; and the other parties herein will not be unfairly prejudiced, nor will Sandhill gain a comparative advantage by virtue of the amendment. See "Click Broadcasting Co.," 25 FCC 2d 511, 20 RR 2d 150 (1970).

13. *Accordingly, it is ordered,* That the petition for leave to amend application, filed December 16, 1971, by The Sandhill Community Broadcasters, Incorporated, is granted and the attached amendment is accepted; and

14. *It is further ordered,* That the motion for leave to file supplemental pleading, filed February 11, 1972, by William R. Gaston, is granted and the tendered supplement is accepted; and that the motion to enlarge issues, filed December 23, 1971, by William R. Gaston, is granted to the extent that the issues in this proceeding are enlarged as follows, and is denied in all other respects:

To determine the efforts made by The Sandhill Community Broadcasters, Incorporated, to ascertain the community needs and interests of the area to be served by its proposed station and the means by which the applicant proposes to meet those needs and interests; and

To determine whether The Sandhill Community Broadcasters, Incorporated, has failed to comply with the provisions of §§ 1.514(a) and 1.65 of the Commission's rules and, if so, to determine the effect of such noncompliance upon the applicant's basic or comparative qualifications to be a Commission licensee; and

15. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the first added issue herein shall be on The Sandhill Community Broadcasters, Incorporated, whereas the burden of proceeding with the introduction of evidence under the other added issue shall be on William R. Gaston and the burden of proof under that issue shall be on The Sandhill Community Broadcasters, Incorporated.

Adopted: June 23, 1972.

Released: June 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[21]
[SEAL] BEN F. WAPLE,
Secretary,

[FR Doc.72–10202 Filed 7–3–72;8:49 am]

[20] Gaston also asked the Examiner to permit it to defer its response to the petition to amend; however, since Gaston has not attempted to add to its opposition pleading after the certification of this matter to the Board, we will consider the referred pleadings as complete.

[21] Board Member Pincock absent.

FEDERAL POWER COMMISSION

[Docket No. CP72–170]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

JUNE 28, 1972.

Take notice that on June 9, 1972, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (petitioner), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP72–170 a petition to amend the order of the Commission heretofore issued in said docket on May 24, 1972 (47 FPC ------), pursuant to section 7(c) of the Natural Gas Act by authorizing the substitution of certain natural gas facilities for the presently authorized facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of May 24, 1972, petitioner is authorized to construct and operate under Phase I of said docket 21.2 miles of 20-inch pipeline loop at the north end of its existing 16-inch pipeline from the Fort Morgan Storage Field to the main transmission system at Watkins Junction, near Denver, Colo., and three 1,100 horsepower gas turbine centrifugal compressor units at its existing Mocane Compressor Station in Beaver County, Okla. Petitioner now seeks authorization to substitute 19.6 miles of 24-inch pipeline loop at the south end of the 16-inch Fort Morgan-to-Watkins mainline and two 3,300 horsepower gas turbine centrifugal compressor units at the Mocane Compressor Station for the presently certificated facilities.

Petitioner states that a recent study indicates that the ultimate economic capacity of the Fort Morgan Storage Field can be achieved with a 24-inch pipeline loop the full distance from Fort Morgan to Watkins. Petitioner asserts that a full 24-inch loop will provide 41,000,000 Mcf of natural gas per day more peak day capacity than a full 20-inch loop with an estimated total heating season withdrawal volume of 8,000,000,000 Mcf of natural gas from the storage field. Petitioner states that it proposes to construct the initial section of loop at the south end and of the Fort Morgan to Watkins pipeline since transient flow studies indicate that the placement of the loop at that end of the line will result in higher average pressures at the downstream end (Watkins) than would the same amount of loop at the north end of the mainline. Also, Petitioner states that because of the greater "line pack" at the southern end of the line this arrangement will result in less hourly fluctuation in the withdrawal volumes at Fort Morgan to meet the required volumes at Watkins. Petitioner further states that a study conducted after bids were obtained from manufacturers revealed that, in spite of the higher initial cost for the first two 3,300 horsepower units instead of three 1,100 horsepower units, the ultimate number of larger units will prove more economical over the long term.

Petitioner states that the substitution of the proposed facilities for those previously authorized will result in an increased initial investment of $821,853.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 17, 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.72–10192 Filed 7–3–72;8:48 am]

[Docket No. CI72–856]

ROY H. CULLEN, ET AL.

Notice of Application

JUNE 29, 1972.

Take notice that on June 26, 1972, Roy H. Cullen et al. (applicants), 500 Jefferson Building, Houston, Tex. 77002, filed in Docket No. CI72–856 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline

Gas Co. from the West Deer Island Field Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell approximately 450,000 Mcf of gas per month for up to 6 months commencing July 1, 1972, at the rate of 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 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). 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10191 Filed 7-3-72;8:48 am]

[Project No. 2563, North Carolina]

DUKE POWER CO.

Notice of Availability of Environmental Statement for Inspection

JUNE 29, 1972.

Notice is hereby given that on April 18, 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 Green River Project No. 2563.

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 Green River Project located in the vicinity of Hendersonville, N.C., and in Tyron, Henderson, and Polk Counties, N.C. The project consists of the Tuxedo and Turner developments. The Tuxedo development consists of a concrete arch dam; a reservoir with storage capacity of about 13,200 acre feet; a penstock; a surge tank; a powerhouse containing two 2,500 kw. generators; a substation; and some private access areas for recreational use of the lake and shorelands. The Turner development consists of a dam; a reservoir with a storage capacity of about 11,700 acre feet; penstocks; a powerhouse containing two 2,750 kw. generators; an outdoor substation; and public access parking areas and a boat launching ramp.

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 July 7, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10194 Filed 7-3-72;8:48 am]

[Project No. 2413, Georgia]

GEORGIA POWER CO.

Notice of Availability of Environmental Statement for Inspection

JUNE 29, 1972.

Notice is hereby given that on March 30, 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 approval of a Revised Exhibit R (Recreation Plan) filed pursuant to article 41 of the license for the unconstructed Wallace Dam (Laurens Shoals) Project No. 2413 located on the Oconee and Opalachee Rivers, Ga.

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.

The recreational facilities initially proposed by Licensee at the 18,000 acre (surface area) reservoir created by Wallace Dam will consist of three 85-acre areas and three 10-acre sites to be developed generally for camping, picnicking, boating, fishing, and swimming, and a 10-acre overlook area consisting of a visitors building with an observation deck, a picnic area, a shelter and other facilities. All developed areas will be accessible from Interstate Route 20.

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 30, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10193 Filed 7-3-72;8:48 am]

[Docket Nos. CP72-301; CP72-302]

LOWELL GAS CO.

Notice of Application

JUNE 30, 1972.

Take notice that on June 27, 1972, Lowell Gas Co. (Applicant), 95 East Merrimack Street, Lowell, MA 01853, filed in Docket Nos. CP72-301 and CP72-302 applications pursuant to sections 3 and 7 (c), respectively, of the Natural Gas Act for an order authorizing the importation of liquefied natural gas (LNG) from Canada and a certificate of public convenience and necessity authorizing the transportation of said LNG, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant requests authorization to import 600,000 gallons of LNG from Canada commencing July 15, 1972, with delivery to be completed within 30 days. Applicant states that said volumes of LNG will be purchased from Gaz Metropolitain Inc. (GMI) on a best efforts basis, transported from Montreal, Quebec, Canada, to the United States by semitrailer tank trucks and will be delivered to its LNG storage

tanks at Tewksbury, Mass. The purchase price per U.S. gallon is 8.87 cents. Applicant states that the exact volume which can be made available depends on the schedule on which the transportation can be performed. The storage capacity of the GMI facility is not unlimited and, at the present time, is nearly full. Applicant asserts that unless it can begin taking the LNG at a rapid rate, GMI will be compelled to shut down its liquefaction plant and no product will be available. Applicant states that additional sources of natural gas in the United States have not been available and that this supply of LNG is necessary to meet the increasing fuel requirements of the New England area. Applicant indicates that the LNG will be used to serve the winter fuel needs of its customers within the State of Massachusetts.

In order to effectuate the proposed importation, Applicant seeks authorization to transport the LNG from Canada. The gas will be sold to its own retail customers and certain other distribution companies within Massachusetts during the forthcoming heating season.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before July 10, 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 in Docket No. CP72-302 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 in Docket No. CP72-302 to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10228 Filed 7-3-72;8:52 am]

[Project No. 1888]

METROPOLITAN EDISON CO.

Notice of Issuance of Annual License

JUNE 27, 1972.

On June 30, 1969, Metropolitan Edison Co., Licensee for York Haven Project No. 1888 located in Dauphin, Lancaster, and York Counties, in the region of the cities of Harrisburg, Lancaster, and York, Pa., on the Susquehanna River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The License for Project No. 1888 was issued effective January 1, 1938 for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Metropolitan Edison Co. for continued operation and maintenance of Project No. 1888.

Take notice that an annual license is issued to Metropolitan Edison Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1972 to June 30, 1973 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the York Haven Project No. 1888, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10195 Filed 7-3-72;8:49 am]

[Docket No. CP72-284]

NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 27, 1972.

Take notice that on June 13, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-284 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas in interstate commerce and 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.

Applicant states that as a result of the Commission's Opinion No. 618 and accompanying order it expects to have available by November 27, 1972, at its Carlton, Minn., compressor station 108,500 Mcf of natural gas per day. As a result of the attachment of this new source of supply, applicant proposes to provide a new winter service to its gas utility customers to assist them in meeting the peak day growth requirements of their primary market, the residential, small volume commercial, and industrial consumers. Applicant intends to begin this service (Seasonal Service Demand) in 1972. Applicant states that the new firm service would be made available from November 27 through March 26 of each heating season to any gas utility purchasing contract demand from applicant under its CD or PL Rate Schedules which elects to purchase volumes of Seasonal Service Demand under the proposed SS-1 Rate Schedule and has executed a SS-1 Service Agreement. Applicant states that it proposes to provide its customers with 106,292 Mcf of natural gas per day of this new firm service. The proposed Seasonal Service Demand would have a two-part rate consisting of a monthly demand charge and a commodity charge. The monthly demand charge would be comprised of the appropriate zone contract demand charge plus $2 and the commodity rate would be equal to the appropriate zone commodity rate plus 25 cents per Mcf of natural gas.

In order to accommodate the delivery of the proposed Seasonal Service Demand volumes, applicant proposes to construct and operate 0.6 mile of 6-inch tieover line in Adel, Iowa, 0.7 mile of 4-inch loop in Eagle Grove, Iowa, and 0.8 mile of 4-inch loop in Griswold, Iowa. The total cost of the proposed facilities is estimated at $166,000, which applicant proposes to finance from cash on hand and funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 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.72-10196 Filed 7-3-72;8:49 am]

[Project No. 108]

NORTHERN STATES POWER CO.

Order Providing for Hearing, Prescribing Procedure, and Ruling on Motions

JUNE 28, 1972.

Northern States Power Co. filed on February 20, 1970, and later supplemented, its application for a new license for Project No. 108. The original 50-year license for Project No. 108 expired on August 7, 1971, and the project is being operated under an annual license pursuant to section 15 of the Federal Power Act (Act).[1]

By order issued April 25, 1972, intervention was granted to a number of petioners;[2] in addition, as noted in that order, a notice of intervention was filed by the Public Service Commission of Wisconsin.

Some of these interveners have stated their opposition to relicensing of Project No. 108 and have urged that the project be taken over pursuant to section 14 of the Act. By letter dated February 29, 1972, the Department of the Interior recommended "take over" of the project. The Department of Agriculture by letter dated April 25, 1968, recommended "take over" of the licensee-owned lands of the project excluding the dam and surrounding lands needed for dam operations with relicensing of such dam and surrounding lands for operation for power purposes. Accordingly, in view of the various assertions made, it is appropriate that a public hearing be held on matters involved and issues presented respecting the application for a new license for Project No. 108.

With their petitions to intervene, certain interveners also filed motions or requests with the Commission. One such motion by a number of interveners is for a "regional hearing", held in the vicinity of the project. We think it appropriate that, prior to the evidentiary hearing, the Presiding Examiner hold a public hearing session in the vicinity of the project for the purpose of receiving statements of position from interested members of the public and, further, that on the basis of conditions obtaining, the Presiding Examiner specify the procedures to be followed for the receipt and incorporation of such statements of position into the record without cross examination. Assertions of fact contained in these statements of position are not evidence. Facts to be considered by the Commission in arriving at its decision must be established by sworn testimony and exhibits subject to cross examination. With respect to the evidentiary hearing, we think it also appropriate that the Presiding Examiner determine what part of such hearing, if any, should be held locally to accommodate witnesses for whom it may be a hardship to appear in Washington, D.C.

A second motion[3] is that the issues to be tried in this proceeding be limited to exclude consideration of issuance of a new license to the present licensee.

The thrust of this motion is to preclude the Commission from considering the application for relicense of Project No. 108, and the issues relating thereto. While the motion is not characterized as a motion to dismiss the application for a new license period by the present licensee, it would, if granted achieve a similar effect.

The purpose of providing a hearing in these proceedings is to obtain as full and complete record of facts as possible for the Commission's consideration in determining what action shall be taken with regard to the future operation of Project No. 108. To preclude relicensing to the present licensee as one course of action together with the factors pro and con on that question would be inconsistent with the very purpose of this proceeding and would deny the present licensee a hearing on its application.

The motion is denied without prejudice to its being renewed in the briefing stage when all available facts have been presented in a formal record.

These three interveners also request that the annual license for Project No. 108 be rescinded and that tribal lands be returned to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. However, section 15(a) of the Act directs the Commission to issue from year to year an annual license to the original license until the United States exercises its right to take over or issues a new license. Accordingly, this request must be denied.

These three interveners also request that the Commission determine and readjust annual charges payable to the Lac Courte Oreilles Band, pursuant to section 10(e), of the Act,[4] for the use of tribal lands embraced within Indian reservations. What is contemplated by the interveners' request is a retroactive readjustment of charges within the original license period. Readjustment of annual charges for use of tribal lands under section 10(e) of the Act is at the discretion of the Commission. The request for readjustment was not made herein until the end of the original license period. There has been no showing that a readjustment of annual charges for prior periods within the term of the original license would be appropriate (c.f., Montana Power Company v. F.P.C., CADC Nos. 21,104 and 21,767, decided February 17, 1972, petition for certiorari pending). Accordingly, the request for retroactive readjustment of annual charges is denied at this time, without prejudice to a reasonable opportunity for submitting a further showing before the Presiding Examiner.

One intervener[5] has also moved that there be established a committee or council of representatives of the Indian population to consider matters of particular impact or importance to the Indian people and to submit findings and recommendations to the Commission. Obviously, we do not preclude, indeed, we must encourage relevant, timely showings of impact or importance to any part of the public interest. However, we do not believe that our establishment of a committee is necessary or appropriate to this end. Under established hearing procedures, the intervener, or a group of interveners, has an opportunity to make an evidentiary showing on matters of impact or importance and relevant to the issues in this proceeding and to submit before the Presiding Examiner and the Commission argument and proposed findings on the basis of the evidentiary record.

The Commission finds:

(1) It is appropriate and in the public interest as provided herein to hold a public hearing respecting matters involved and issues presented in this proceeding on the application by Northern States Power Co. for a new license for Project No. 108.

(2) It is appropriate and in the public interest to grant or deny as provided herein, pending motions or requests by interveners, and to refer to the Presiding Examiner for ruling thereon the remaining part of pending motions or requests.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 7(c), 10(a), 14, 15, and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held respecting the matters involved and issues presented in this proceeding. The time for convening hearing sessions and the place or places where the hearing sessions shall be held shall be determined by the Presiding Examiner.

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[1] Notice of the application for new license was published on Aug. 27, 1971, with Oct. 4, 1971, as the last day for filing protests or petitions to intervene. The time for filing protests or petitions to intervene was extended to Nov. 4, 1971, and one intervention was granted on a petition filed out of time. In addition, on June 19, 1972, notice of availability of environmental statement for inspection was given. This notice provides for filing of petitions to intervene or comments on or before 45 days from June 21, 1972.

[2] Concerned Citizens for the Preservation of the Chippewa Flowage; Wisconsin Department of Natural Resources and the Wisconsin Department of Justice; Governor of the State of Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians; the Save the Chippewa Flowage Alliance, Inc.; the Wisconsin Resources Conservation Council; Great Lakes Inter-Tribal Council, Inc.; American Movement National Directors, Inc.

[3] Filed by the Lac Courte Oreilles Band of Lake Superior-Chippewa Indians, the Great Lakes Inter-Tribal Council, Inc., and the American Indian Movement National Directors, Inc.

[4] Section 10(e) of the Act provides in part that annual charges (for the use of tribal lands embraced within Indian reservations) "may be readjusted at the end of 20 years * * * and at periods of not less than 10 years thereafter upon notice and opportunity for hearing".

[5] The American Indian Movement National Directors, Inc.

(B) The following procedure is prescribed for this proceeding:

1. The applicant shall file by December 20, 1972, with the Secretary of the Commission an original and 10 copies of all testimony, including qualifications of the witnesses, and exhibits to be presented in applicant's direct case. Copies of such testimony and exhibits shall be served on all participants.

2. All other participants, including the Commission staff, shall file by February 12, 1973, with the Secretary, an original and 10 copies of all direct testimony and exhibits including qualifications of witnessess with copies served on all participants.

3. All motions to strike prepared testimony and exhibits and replies to such motions shall be filed with the Presiding Examiner by March 1, 1973, and March 21, 1973, respectively.

4. All of the testimony, except exhibits, shall be in question and answer form.

5. No exhibits, except those of which official notice may properly be taken, shall contain narrative material other than brief explanatory notes.

6. Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence in which it is to be marked for identification.

7. The Presiding Examiner will specify the order of cross-examination and time to be permitted for preparation of rebuttal evidence.

8. If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Presiding Examiner shall hold a prehearing conference, at which, among other matters, the admission into evidence of relevant but uncontroverted facts without the necessity of presenting a sponsoring witness therefor shall be considered.

9. Prior to the evidentiary hearing, the Presiding Examiner shall hold a public hearing session in the vicinity of the project for the purpose of receiving statements of position from interested members of the public.

10. Public notice of the public hearing session should be given in the vicinity of the project prior to such hearing session.

(C) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein.

(D) The motions or requests for regional hearing, for limitation of issues, for establishment of a committee of Indian representatives, for rescission of the annual license for Project No. 108, and for readjustment of annual charges for use of tribal lands during the period of the original license are granted or denied as provided herein, and the remaining part of the pending motions or requests are referred to the Presiding Examiner for ruling thereon.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10197 Filed 7-3-72;8:49 am]

[Docket No. CP72-286]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JUNE 28, 1972.

Take notice that on June 15, 1972, Panhandle Eastern Pipe Line Co. (applicant) filed in Docket No. CP72-286 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorzing the exchange of natural gas and 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.

Applicant states that pursuant to an agreement between Arkansas Louisiana Gas Co. (Arkla) and it dated May 9, 1972, it will receive up to 75,000 Mcf of natural gas per day from Arkla at a proposed point of delivery and redelivery in Hemphill County, Tex. Volumes in excess of 75,000 Mcf per day will be deliverable on an if, as, and when, mutually agreeable basis. Applicant states that it will purchase 50 percent of the natural gas delivered and will receive the balance on an exchange basis. In order to effectuate the proposed purchase and exchange, applicant states Arkla will construct a pipeline from the Mathers Ranch Field to a point in Hemphill County, Tex., and Arkla and it will jointly construct pipeline interconnection and gas measurement facilities from that point to a point on Kansas-Nebraska Gas Co., Inc.'s (Kansas-Nebraska), Buffalo Line. Applicant will deliver the gas received from Arkla into the Buffalo Line for transportation to its Aledo, Okla., plant for processing, after which the gas will flow into its Elk City System. Applicant states that the exchange gas volumes are to be redelivered to Arkla at the Hemphill County exchange point commencing within 30 days following Arkla's request. Upon applicant's request, Kansas-Nebraska will deliver to it, out of its share of the Buffalo Wallow Gas, the volumes of exchange gas required to be redelivered to Arkla at the point of redelivery. Applicant states that the exchange will be on a thermally equivalent basis.

Applicant states that to implement the exchange it will be necessary to construct and operate up to 1,000 compressor horsepower, necessary gas measurement facilities, and miscellaneous pipe, valves, and fittings required to connect Arkla's facilities to the Buffalo Line. Applicant indicates it will construct and operate at its own expense the necessary compressor facilities and that Arkla will construct and operate the other required facilities. Applicant states that it will reimburse Arkla for 50 percent of the construction costs Arkla thereby incurs. Applicant states that its share of the cost of the proposed facilities is $324,745, which it will finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 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.72-10198 Filed 7-3-72;8:49 am]

[Docket No. CI72-552]

PHILLIPS PETROLEUM CO.

Notice of Petition To Amend

JUNE 28, 1972.

Take notice that on May 14, 1972, Phillips Petroleum Co. (Petitioner), Bartlesville, Okla. 74004, filed in Docket No. CI72-552 a petition to amend the order of the Commission heretofore issued in said docket on April 25, 1972, in Docket No. CP72-226, et al. (47 FPC ——), pursuant to section 7(c) of the Natural Gas Act by authorizing an increase in the total authorized exchange volume of the exchange therein authorized and an extension of the term, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of May 25, 1972, Petitioner is authorized to exchange natural gas with Natural Gas Pipeline Co. of America (Natural) by means of existing facilities. Pursuant to an exchange agreement dated February 15, 1972, Petitioner will deliver to Natural up to 10,000 Mcf of natural gas daily, but no more than 1 million Mcf in total, at an existing interconnection at the tailgate of Petitioner's Chocolate Bayou Plant in Brazoria County, Tex., and Natural will

redeliver to Petitioner thermally equivalent volumes of gas during the period June through September 1972 at the same delivery point.

Petitioner states that it and Natural have amended the exchange agreement of February 15, 1972, by increasing the total authorized exchange volume from 1 million Mcf of natural gas to 3 million Mcf during any 12-month period and extending the term of the exchange for a period of 3 years from the date of initial delivery and so long thereafter as is mutually beneficial to the parties. Petitioner also states that provisions for additional delivery points are provided, with the understanding that the costs of any such additional points shall be borne by the parties requesting such additional points. Petitioner states that it and Natural have agreed to the above amendments by a letter agreement dated May 25, 1972, and that said agreement is being filed with the Commission as a supplement to Petitioner's FPC Gas Rate Schedule No. 495.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 18, 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). 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.72-10199 Filed 7-3-72;8:49 am]

[Project No. 597]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

JUNE 27, 1972.

On June 26, 1969, Utah Power and Light Co., Licensee for Stairs Project No. 597 located in Salt Lake County, Utah, on the Big Cottonwood Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The License for Project No. 597 was issued effective June 1, 1927 for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co. for continued operation and maintenance of Project No. 597.

Take notice that an annual license is issued to Utah Power and Light Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1972 to June 30, 1973 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stairs Project No. 597, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10200 Filed 7-3-72;8:49 am]

[Project No. 1889]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Issuance of Annual License

JUNE 27, 1972.

On June 19, 1969, Western Massachusetts Electric Co., Licensee for Turners Falls & Cabot Project No. 1889 located in Windham County, Vt., Franklin County, Mass., and Cheshire County, N.H., on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 18, 1970.

The License for Project No. 1889 was issued effective January 1, 1938 for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Western Massachusetts Electric Co. for continued operation and maintenance of Project No. 1889.

Take notice that an annual license is issued to Western Massachusetts Electric Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1972 to June 30, 1973 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Turners Falls & Cabot Project No. 1889, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10201 Filed 7-3-72;8:49 am]

FEDERAL RESERVE SYSTEM

PROVIDENT NATIONAL CORP.

Proposed Acquisition of John P. Maguire & Co., Inc.

Provident National Corp., Philadelphia, Pa., has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of John P. Maguire & Co., Inc., New York, N.Y. Notice of the application was published on the following dates in the following newspapers: The New York Times, April 14, 1972; The Philadelphia Inquirer, April 18, 1972; The Los Angeles Times, May 15, 1972; and The Wall Street Journal, May 16, 1972.

Applicant states that the proposed subsidiary would engage in the activities of factoring and related commercial financing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 28, 1972.

Board of Governors of the Federal Reserve System, June 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-10143 Filed 7-3-72;8:45 am]

SHOREBANK, INC.

Acquisition of Banks

Shorebank, Inc., Quincy, Mass., has applied for the Board's approval in two separate applications, as set forth below, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire at least 80 percent of the voting shares of First Agricultural National Bank of Berkshire County, Pittsfield, Mass.; and

(2) To acquire indirectly at least 80 percent of the voting shares of The Mechanics National Bank of Worcester, Worcester, Mass. The latter acquisition would be accomplished through the proposed acquisition of at least 80 percent of the voting shares of The Mechanics Bancorp, Inc., Worcester, Mass., a bank

holding company which owns 100 percent of the voting shares (less directors' qualifying shares) of The Mechanics National Bank of Worcester.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 17, 1972.

Board of Governors of the Federal Reserve System, June 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-10144 Filed 7-3-72;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

VIRGINIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on June 23, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Virginia from severe storms and flooding beginning about June 21, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Virginia. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Francis X. Carney, Regional Director, OEP Region 3, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Virginia to have been adversely affected by this declared major disaster:

The counties of:

Arlington.	Fairfax.
Albemarle.	Fluvanna.
Augusta.	Frederick.
Alleghany.	Halifax.
Amherst.	Henry.
Bedford.	Montgomery.
Botetourt.	Nelson.
Chesterfield.	Pittsylvania.
Culpeper.	Prince Edward.
Craig.	Prince William.
Pulaski.	Rockingham.
Roanoke.	Stafford.
Rockbridge.	

The cities of:

Alexandria.	Lexington.
Bedford.	Lynchburg.
Charlottesville.	Martinsville.
Clifton Forge.	Petersburg.
Colonial Heights.	Radford.
Covington.	Richmond.
Danville.	Roanoke.
Fairfax.	Salem.
Falls Church.	South Boston.
Fredericksburg.	Staunton.
Harrisonburg.	Waynesboro.
Hopewell.	Winchester.

Dated: June 29, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10137 Filed 7-3-72;8:51 am]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0267]

FIRST NEW ENGLAND CAPITAL CORP.

Notice of Application for License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1971)) under the name of First New England Capital Corp., Beach Drive, New Fairfield, Conn. 06810, for a license to operate in the State of Connecticut as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and principal stockholders are:

William E. Klein, Jr., Beach Dr., New Fairfield, Conn. 06810.	President and director.	75 percent.
Erica Klein, Beach Dr., New Fairfield, Conn. 06810.	Secretary, treasurer.	None.
Robert W. Stauffer, 424 South Ave., New Canaan, Conn.	Director	Under 5 percent.

The company will begin operations with an initial capitalization of $300,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of Connecticut.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this Notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New Fairfield, Conn.

Dated: June 26, 1972.

CLAUDE ALEXANDER,
Associate Administrator
for Operations and Investment.

[FR Doc.72-10153 Filed 7-3-72;8:46 am]

[MESBIC License Application No. 02-5293]

HISPANIC SMALL BUSINESS INVESTMENT CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Hispanic Small Business Investment Company (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Felix Andujar, 14 Avenue A, New York, NY 10009, President and Director.
Ercilio Batista, 13781 Shakespeare Avenue, Apartment 1-B, Bronx, NY 10452, Director.
Louisa Colon, 270 Wortman Avenue, Brooklyn, NY 11207, Director.
Robert Raymond Colon, 79 Amsterdam Avenue, Staten Island, NY 10314, Executive Director and General Manager.
Pedro Eduardo Guerrero, 569 Brookside Road, New Canaan, CT 06840, Vice President and Director.
James Horacio, 930 West Fourth Street, New York, NY 10014, Secretary and Director.
Carlos Linares, 31-38 79th Street, Jackson Heights, NY 11372, Director.
Manuela A. Moreno, 279 Smith Street, Brooklyn, NY 11201, Director.
Ruben Villoch, 338 East Second Street, Apartment B, New York, NY 10009, Director.

The applicant, a New York corporation, with its principal place of business located at 500 Fifth Avenue, New York, NY 10036, will begin operations with $180,000 of paid-in capital, consisting of 36,000 shares of common stock. All of the issued and outstanding stock will be owned by 22 persons, none of whom will own more than 5 percent.

Applicant will not concentrate its investments in any particular industry with the possible exception of housing for the socially or economically disadvantaged. According to the company's stated investment policy, its investments

will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any interested person may, not later than 15 days from the date of publication of this notice; submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York City.

Dated: June 27, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-10154 Filed 7-3-72;8:46 am]

[License No. 05/15-5025]

POOLED RESOURCES INVESTING IN MINORITY ENTERPRISES, INC.

Application for Approval of Conflict of Interest Transactions

Notice is hereby given that Pooled Resources Investing in Minority Enterprises, Inc. (PRIME), 2990 West Grand Boulevard, Suite M-15, Detroit, MI 48202, a minority enterprise small business investment company (MESBIC) licensed by the Small Business Administration (SBA) under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with SBA pursuant to section 312 of the Act and § 107.1004 of the SBA rules and regulations governing small business investment companies (13 CFR 107.1004 (1972)), for approval of a conflict of interest transaction falling within the scope of the foregoing sections of the Act and regulations.

Subject to such approval, PRIME proposes to invest in Global Gourmet, a meat processing concern located at 15501 Woodrow Wilson, Detroit, MI 48238 and controlled by Inner City Business Improvement Forum, Inc. (ICBIF), a Michigan nonprofit corporation organized by a number of minority leaders in Detroit, Mich. ICBIF is committed to the development and implementation of a program of comprehensive, economic development for Detroit's minority community. The PRIME financing will be in the form of convertible debentures in the principal amount of $100,000 and will represent less than 25 percent of the total funds needed by the small business concern and being obtained from other sources, including a bank loan in the principal amount of $300,000, of which 90 percent is being guaranteed by SBA.

The proposed investment comes within the purview of § 107.1004 of the regulations because Messrs. Walter C. Douglas, chairman of the board and John J. Bingham, a member of the board of directors of PRIME, are also directors of ICBIF. However, neither is a stockholder of PRIME or of ICBIF, or of the small business concern.

Notice is hereby given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transactions. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416. After expiration of the 15 days, SBA may dispose of this application on the basis of the information contained in the application, the comments (if any) which are received, and other relevant data.

Dated: June 23, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-10155 Filed 7-3-72;8:46 am]

[MESBIC Application No. 06/10-5157]

SCDF INVESTMENT CORP.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by SCDF Investment Corporation (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Albert J. McKnight, 204 Gauthier Road, Post Office Box 3005, Lafayette, LA 70501, President.
Martial M. Mirabeau, 154 Noah Street, Lafayette, LA 70501, Vice President.
Joshua J. Pitre, 731 North Lombard, Opelousas, LA 70570, Secretary-Treasurer.
Morris J. Barnes, Post Office Box 82, Palmetto, LA 71358, Director.
Lewis Black, 20 Washington Street, Greensboro, AL 36477, Director.
Lula C. Dorsey, Post Office Box 715, Shelby, MS 38774, Director.
Huey T. Fontenot, Post Office Box 38, Palmetto, LA 71358, Director.
Joseph L. Hansknecht, 18255 Fairfield, Detroit, MI 48221, Director.
William H. Harrison, 124 Knollwood Boulevard, Montgomery, AL 36109, Director.
Jacques J. Kozub, 5328 Saratoga Avenue, Chevy Chase, MD 20015, Director.
James M. Pierce, 1947 Lansdale Drive, Charlotte, NC 28205, Director.
Charles O. Prejean, 1546 Rogers Avenue SW., Atlanta, GA 30310, Director.
Edward C. Sylvester, 1325 Massachusetts Avenue NW., Washington, DC 20005, Director.
Ganze L. Twitty, Route No. 2, Box 48, Heath Springs, SC 29058, Director.

The applicant, a Louisiana corporation with its principal place of business located at 204 Gauthier Road, Lafayette, LA 70501, will begin operations with $150,000 of paid-in capital, consisting of 15,000 shares of common stock. All of the issued and outstanding stock will be owned by Southern Cooperative Development Fund, Inc., with a place of business located at 204 Gauthier Road, Post Office Box 3005, Lafayette, LA 70501.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Lafayette, La.

Dated: June 27, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-10156 Filed 7-3-72;8:46 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order 20-72]

ACTING SECRETARY OF LABOR

Order of Succession of Officers

1. *Purpose.* To provide for the order of succession of officers to act as Secretary of Labor in case of the absence, sickness, resignation, or death of both the Secretary of Labor and the Under Secretary.

2. *Order of succession.* In case of the absence, sickness, resignation or death of both the Secretary of Labor and the Under Secretary of Labor the duties of the Office of the Secretary of Labor shall be performed by those Assistant Secretaries appointed by the President, and the Solicitor of Labor, when present for duty at the seat of the Government, in the order of the respective dates of their commissions, or in the event that two or more of their commissions bear the same date, in the order in which they shall have taken their oath of office.

3. *Delegation of authority.* The individual assuming the duties of the Secretary of Labor pursuant to paragraph 2 above shall use the title Acting Secretary of Labor, and have the full powers of the Office of the Secretary of Labor.

4. *National emergency.* During periods of national emergency declared by the President, the order of succession set forth above will govern. In the event of complete disruption of authority at the seat of government, responsibility shall be delegated in the following sequence to Regional Directors located in: Philadephia, Dallas, Denver, Seattle, Atlanta, Boston, Chicago, San Francisco, Kansas City, and New York. This conforms to the Federal standard of emergency succession established by the Office of Emergency Preparedness. A&O's will establish a similar line of succession within their own organization to assure continuity.

5. *Authority and directive affected.* a. This order is issued pursuant to Executive Order 10513 of January 19, 1954 (19 F.R. 369) and Executive Order 11490 of October 28, 1969 (34 F.R. 17567).

b. Secretary's Orders Nos. 21–69 and 13–67 are canceled.

6. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 12th day of June 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72–10149 Filed 7–3–72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 12]

ASSIGNMENT OF HEARINGS

JUNE 14, 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.

No. MC–C–7327, John L. Mason, Jr., Johnny Mason, Johnny Mason, doing business as Mason Trucking, Carroll Truck Lines, Inc. John L. Mason, Sr. and John L. Mason, Sr., doing business as West Gin Co.—Investigation of Operations and practices assigned hearing July 13, 1972, MC 106398 Sub 571, National Trailer Convoy, Inc., assigned hearing July 10, 1972, MC 106644 Sub 130, Superior Trucking Co., Inc., assigned hearing July 12, 1972, MC 109397 Sub 263, TRI-State Motor Transit Co., assigned hearing July 12, 1972, MC 113861 Sub 51, Wooten Transports, Inc., Extention, assigned hearing July 11, 1972, MC 119700 Sub 17, Steel Haulers, Inc. assigned hearing July 10, 1972, in Room 914 Federal Building, 167 North Main Street, Memphis, TN.

MC 125996 Sub 26, Road Runner Trucking, Inc., MC 125996 Sub 27, Road Runner Trucking, Inc., now being assigned hearing July 20, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC–F–11290, Gordons Transports, Inc.—Purchase—J. B. Reed Motor Express, Inc., and MC 88913 Sub 3, J. B. Reed Motor Express, Inc., now assigned June 19, 1972, at Chicago, Ill., is canceled and the applications are dismissed.

MC 136320, Griffin Block and Sand Co., now assigned hearing July 24, 1972, at Washington, D.C., is postponed indefinitely.

WMC 15859 Sub 7, The Hine Line, MC 123639 Sub 144, J. B. Montgomery, Inc., now assigned July 20, 1972, at Omaha, Nebr., is postponed to July 31, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC–F–11200, The Mason and Dixon Lines, Inc.—Purchase—Econ, Inc., and MC 59583 Sub 131, The Mason and Dixon Lines, Inc., now being assigned hearing July 24, 1972, at Chicago Ill., in a hearing room to be later designated.

MC 135960, Jacob Sackett, doing business as Fleetwood Ski & Sports Club, now being assigned hearing July 27, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 136380, Southern Cartage, Inc., now assigned July 25, 1972, at Nashville, Tenn., hearing canceled, transferred to modified procedure.

MC–C–7795, Eagle Motor Lines, Inc.—Investigation and Revocation of Certificates, now assigned July 24, 1972, at Birmingham, Ala., will be held in Room 224, Old U.S. Post Office and Federal Building, 1800 Fifth Avenue, North.

MC 4405 Sub 486, Dealers Transit, Inc., now assigned July 10, 1972 (2 days), MC 115691 Sub 21, Murphy Transportation, Inc., MC 127834 Sub 66, Cherokee Hauling & Rigging, Inc., now assigned July 12, 1972 (3 days), at Birmingham, Ala., will be held in Room 224, Old U.S. Post Office and Federal Building, 1800 Fifth Avenue, North, Birmingham, AL.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–10239 Filed 7–3–72;8:51 am]

[Notice 22]

ASSIGNMENT OF HEARINGS

JUNE 29, 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 76032 Sub 292, Navajo Freight Lines, Inc., now being assigned hearing July 14, 1972, in Room 1612, 1520 Market Street, St. Louis, MO (1 day).

MC 135784, Gabe D. Anderson, Jr., doing business as Barge Truck Transport, now assigned July 17, 1972, at Dallas, Tex., is canceled and application dismissed.

I & S No. M–25724 Sub 1 and 2, Restructured Rates and Charges, Central States Territory, now assigned July 10, 1972, at Washington, D.C., hearing is canceled.

I & S 8741 Sub 1, Deciduous Fruits, Transcontinental, I & S 8471 Sub 2, Deciduous Fruits, Transcontinental Territory, now being assigned hearing October 2, 1972, at San Francisco, Calif., in a hearing room to be later designated.

MC–C 7797, Coleman Transfer & Storage, Inc.—Investigation of Operations and Practices, now being assigned hearing August 17, 1972, MC 107496 Sub 837, Ruan Transport Corp., now being assigned hearing August 23, 1972, MC 115826 Sub 238, W. J. Digby, Inc., now being assigned hearing August 18, 1972, MC 136168, Wilson Certified Express, Inc., now being assigned hearing August 22, 1972, MC 136308, Holmes Freight Lines, Inc., now being assigned hearing August 21, 1972, at Omaha, Nebr., in hearing rooms to be later designated.

MC 114273 Sub 110, Cedar Rapids Steel Transportation, Inc., now assigned August 1, 1972, at Kansas City, Mo., hearing is postponed indefinitely.

MC–C–7724, Monkem Co., Inc.—Investigation and Revocation of Certificates—now being assigned hearing July 31, 1972 (2 days), in Room 114, 601 East 12th Street, Kansas City, MO.

MC 115841 Sub 411, Colonial Refrigerated Transportation, Inc., MC–117883 Sub 159, Subler Transfer, Inc. now assigned July 17, 1972, at Chicago, Ill., is postponed indefinitely.

I & S No. 8730, Freight All Kinds, between Cincinnati, Ohio and South, now assigned July 25, 1972, at Washington, D.C., hearing postponed to September 25, 1972, in the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 56679 Sub 66, Brown Transport Corp., now being assigned hearing July 31, 1972 (1 week), in Room 305, 1252 West Peachtree Street NW., Atlanta, Ga.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–10214 Filed 7–3–72;8:51 am]

[Notice 91]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS [1]

JUNE 28, 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

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 40025 (Sub-No. 6TA), filed June 13, 1972. Applicant: DUST MOTOR SERVICE OF INDIANA, INC., Riley and Dickie Roads, East Chicago, Ind. 46312. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Iron and steel articles* from the plantsite of Youngstown Sheet & Tube Co. at East Chicago, Ind., to Marengo, Ill., for 180 days. Supporting shipper: Youngstown Sheet and Tube Co., East Chicago, Ind. 46312. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 100623 (Sub-No. 33 TA) (Correction), filed May 12, 1972, published in the FEDERAL REGISTER issue of May 27, 1972, corrected and republished in part as corrected this issue. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, PA 19132. Applicant's representative: Fred Tomkowicz (same address as above). NOTE: The purpose of this partial republication is to include Chester County, Pa., as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 106674 (Sub-No. 95TA), filed June 14, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box (451) 122, Delphi, IN 46923. Applicant's representative: Thomas R. Schilli, Schilli Motor Lines, Inc. (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, moldings, beams, counter tops and decor wood pieces*, from Elkhart, Ind., to Lincoln, Kansas, and Lake Worth, Fla., for 180 days. Supporting shipper: Woodlawn Products Corp., 1710 North Adams Street, Elkhart, Ind. 46514. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 113865 (Sub-No. 16TA), filed June 9, 1972. Applicant: STAUFFER TRUCK SERVICE, INC., Rural Route No. 1, Taylor, MO 63471. Applicant's representative: Robert Lawley, Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, in bulk, from Quincy, Ill., to points in Alabama for the account of Moorman Manufacturing Co., Quincy, Ill., for 180 days. Supporting shipper: Moorman Manufacturing Co., 1000 North 30th Street, Quincy, IL 62301. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 114533 (Sub-No. 255 TA), filed June 13, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Audit media and other business records;* (B) *exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Elgin, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Crest Photo Lab, 955 Jewel Road, Elgin, IL 60120. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 114917 (Sub-No. 5TA), filed June 13, 1972. Applicant: DART TRANSPORTATION SERVICE, 1430 South Eastman Avenue, Post Office Box 23035, Los Angeles, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail-order and chain retail department business houses, from points in the Los Angeles and Los Angeles Harbor (California) commercial zones, to Citrus Heights, Calif., subject to the restriction set forth in the attachment hereto. Restriction to scope of proposed authority: The operations proposed herein are to be limited to a transportation service to be performed under a continuing contract or contracts, with Sears, Roebuck and Co., for 180 days. Supporting shipper: Sears, Roebuck and Co., Post Office Box 3021, Terminal Annex, Los Angeles, CA 90021. Send protest to: John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 117613 (Sub-No. 9 TA), filed June 15, 1972. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, 15 East Oak Ridge Drive, Residence: 5 North Williamsport Clifton Drive 21795, Hagerstown, MD 21740. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies, and materials and supplies* used in the manufacture packaging and distribution thereof (except commodities in bulk, and commodities which because of size or weight require the use of special equipment), from Gibbsboro, N.J., to points in Pennsylvania, Maryland, Delaware, West Virginia, Virginia, Ohio, and the District of Columbia, for 180 days. Supporting shipper: C. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 118561 (Sub-No. 17 TA), filed June 7, 1972. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, 212 East Street, Post Office Box 422, Maryville, TN 37801. Applicant's representative: Harold Seligman, Parkway Towers, Suite 1704, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: in interstate or foreign commerce, *meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), for shipments having a prior movement by rail or truck, from points in Blount County, Tenn., to points in Burke, Polk, and Rowan Counties, N.C., and Abbeville, Anderson, Greenville, Greenwood, Laurens, Spartanburg, and Union Counties, S.C., and Putnam County, Tenn., for 180 days. NOTE: Applicant states it does intend to interline with other carriers in Blount County, Tenn. Supporting shippers: Wilson-Sinclair Co., Prudential Plaza, Chicago, Ill. 60601; The Rath Packing Co., Post Office Box 330, Waterloo, Iowa 50704. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 118922 (Sub-No. 7 TA) (correction), filed May 5, 1972, published in the FEDERAL REGISTER issue of May 24, 1972, corrected and republished in part as corrected this issue. Applicant: CARTER TRUCKING CO., INC., Cleveland Alley, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. NOTE: The purpose

of this partial republication is to include the following destination States in (1) (a) above, Texas, Missouri, Illinois, West Virginia, Pennsylvania, New Jersey, Wisconsin, Indiana, and Maryland, which were inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 128520 (Sub-No. 3 TA), filed June 9, 1972. Applicant: THE ROBINSON FREIGHT LINES, INC., 3600 Papermill Road, Post Office Box 4126, Knoxville, TN 37921. Applicant's representative: C. S. Henninger, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions or other liquid fertilizer solutions*, in tank vehicles, from Tyner, Tenn., to points within the State of Kentucky, for 180 days. Supporting shipper: Farmers Chemical Association, Inc., Chattanooga, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133146 (Sub-No. 6 TA), filed June 14, 1972. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3092 Piedmont Road NE., Atlanta, GA 30305. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food byproducts, including bone and feather meals, tallow, animal fats, shortening and margarine; and meat and meat products*, from Chicago, Ill.; Birmingham and Leeds, Ala.; Greensboro, N.C.; East Rutherford, N.J.; Cheriton, Va.; Queen Anne, Md.; and Hurlock, Md., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia., under a continuing contract or contracts with B&B Packing Co., Chicago, Ill., Lumberjack Meats, Inc., Birmingham, Ala., Carolina By-Products Co., Inc., Greensboro, N.C.; Sunnyland Refining Co., Inc., Birmingham, Ala.; Delsaco Foods Corp., East Rutherford, N.J.; G. L. Webster Co., Inc., Cheriton, Va.; Fox Foods, Inc., Queen Anne, Md., Hurlock Pickling Co., Inc., Hurlock, Md., and Kane-Miller Corp., New York, N.Y. Restriction: Restricted against the transportation of commodities in bulk in tank vehicles, for 180 days. Supported by: There are approximately eight statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 134745 (Sub-No. 4 TA), filed June 8, 1972. Applicant: E. N. CURTIS AND C. C. CURTIS, doing business as CURTIS BROTHERS TRUCKING COMPANY, Route 6, Box 221E, Falmouth, VA 22401. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and lumber*, from points in Carolina County, Va., to points in Maryland, Delaware, Ohio, Pennsylvania, New Jersey, New York, Connecticut, and the District of Columbia, for 180 days. Supporting shipper: W. H. Simpson & Son, Inc., Post Office Box 5405, Falmouth, VA 22401. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 135613 (Sub-No. 2 TA), filed June 8, 1972. Applicant: ALAN D. BIRKS, doing business as AL BIRKS' BOAT HAULING, 3322 Northeast 162nd Avenue, Portland, OR 97230. Applicant's representative: Alan D. Birks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 40 feet in length, between Portland, Oreg., and Olympia, Wash., for 180 days. Supporting shippers: Louis H. Riedel, 1820 Northeast Hogan Drive, Gresham, OR; Val R. Miller, 505 Northeast Bridgeton Road, Portland, OR; Douglas R. Davis, 21040 Southeast Clay Court, Gresham, OR 97030; Zeldon E. Carpenter, 18304 Northeast Everett Street, Portland, OR 97230; J. E. Rickards, 1901 Southeast Minter Bridge Road, Hillsboro, OR 97123; Alfred Hilden, 3672 Southeast Willow Street, Hillsboro, OR 97123; Roy A. Zorn, 3333 Northeast Marine Drive, Portland, OR 97211; Lee Ross, Post Office Box 007, Forest Grove, OR. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136731 TA (Correction), filed May 26, 1972, published in the FEDERAL REGISTER issue of June 15, 1972, corrected and republished as corrected this issue. Applicant: K. B. TRANSPORTATION, INC., 2185 Wall Avenue, Ogden, UT 84401. Applicant's representative: F. Robert Reeder, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* except road oil and asphalt, together with *tires, batteries, and automotive accessories* when moving on the same vehicle to the same consignees with the transportation of *rejected shipments and empty containers on return movement*, from points in Salt Lake, Davis, and Weber Counties, Utah, to points in Utah, and Cassia and Power Counties, Idaho, and Teton, Uinta, and Lincoln Counties, Wyo., under a continuing contract with Kellerstrass Bros., Inc., for 180 days. Supporting shipper: Kellerstrass Bros., Inc., 2185 Wall Avenue, Post Office Box 1067, Ogden, UT 84401 (Kendall K. Kellerstrass, President). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111. NOTE: The purpose of this republication is to include the origin points.

MOTOR CARRIERS OF PASSENGERS

No. MC 15364 (Sub-No. 14 TA), filed June 14, 1972. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, WI 54302. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Mount Prospect, Ill., and extending to points in Chippewa County, Wis., restricted to the transportation of passengers who are either Girl Scouts, Girl Scout leaders, or advisers, camp counsellors or other personnel working at or employed by Girl Scouts Camps, for 180 days. Supporting shipper: Girl Scout Council of Northwest Cook County, Inc., 444 Lee Street, Des Plaines, IL 60016 (Eugenia C. Paris, Executive Director). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10217 Filed 7-3-72;8:51 am]

[Notice 86]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72439. By application filed June 27, 1972 FRONTIER DISTRIBUTION LINE, INC., 1285 William Street, Buffalo, NY 14206, seeks temporary authority to lease the operating rights of MURRAY'S TRUCKING SERVICE, INC., 150 Myrtle Avenue, Buffalo, NY 14204 (U.S. Treasury Department, Internal Revenue Service, Successor-in-Interest). The transfer to FRONTIER DISTRIBUTION LINE, INC., of the

operating rights of MURRAY'S TRUCKING SERVICE, INC., U.S. Treasury Department, Internal Revenue Service, Successor-in-Interest, is presently pending.

The present application for authority under section 210a(b), is the second application filed by applicants for such relief.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.72-10215 Filed 7-3-72;8:51 am]

[Notice 86-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-F-73822. By application filed June 27, 1972, POTTS TRUCKING SERVICE, INC., Post Office Box 113, Waynesville, NC 28786, seeks temporary authority to lease the operating rights of POTTS TRUCKING COMPANY, Balsam Road, Waynesville, N.C. 28786, under section 210a(b). The transfer to POTTS TRUCKING SERVICE, INC., of the operating rights of POTTS TRUCKING COMPANY, is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Secretary.*

[FR Doc.72-10216 Filed 7-3-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

3 CFR

	Page
PROCLAMATION:	
4141	13157
EXECUTIVE ORDERS:	
5600 (revoked by PLO 5219)	13096
7623 (revoked by PLO 5219)	13096

6 CFR

301	13226

7 CFR

406	13159
760	13082
908	13082
910	13082
917	13083
930	13083
1421	13084
1872	13159
PROPOSED RULES:	
35	13180
925	13108
930	13109
980	13109
993	13110
1701	13180

9 CFR

76	13160

10 CFR

11	13160

12 CFR

225	13084
545	13164
582	13166
PROPOSED RULES:	
207	13112
220	13112
221	13112
545	13190
582	13191

14 CFR

39	13084
71	13085, 13168-13170
95	13170

14 CFR—Continued

	Page
PROPOSED RULES:	
61	13189
63	13189
65	13189
91	13189
133	13189
137	13189
141	13189

15 CFR

1000	13086, 13172

16 CFR

13	13077, 13079-13081, 13173

21 CFR

121	13174
PROPOSED RULES:	
8	13181
141a	13182
146	13182
146a	13182
149e	13182

24 CFR

1700	13097
1911	13098
1914	13098
1915	13099
PROPOSED RULES:	
203	13185, 13186

25 CFR

221	13174

26 CFR

PROPOSED RULES:	
194	13100
201	13100
250	13100
251	13100

31 CFR

210	13174
226	13174

32 CFR

809	13175
935	13175

38 CFR

	Page
9	13091

40 CFR

180	13091

41 CFR

1-1	13092
1-3	13092
1-15	13094
9-4	13175
9-5	13176
9-7	13176
9-15	13176
9-51	13176
9-53	13176
101-39	13096

42 CFR

57	13176
PROPOSED RULES:	
51	13182

43 CFR

PUBLIC LAND ORDERS:	
3835 (revoked in part by PLO 5222)	13097
5219	13096
5220	13096
5221	13097
5222	13097
5223	13178

45 CFR

234	13179

47 CFR

73	13179

49 CFR

571	13097
PROPOSED RULES:	
574	13112

50 CFR

28	13097
258	13179

LIST OF FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
13071–13150	July 1
13151–13232	4

federal register

TUESDAY, JULY 4, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 129

PART II

PRICE COMMISSION

■

RENT STABILIZATION

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 301—RENT STABILIZATION

The purpose of this amendment is to restate and republish Part 301 "Rent Stabilization" of the regulations of the Price Commission. The revision consists primarily of clarifying and editorial changes, and some rearrangement of sections, to provide increased usability and understanding by persons subject to the part.

In addition to changes of the nature described in the preceding paragraph, several policy changes of a clarifying nature have been made to carry out the intentions of the Price Commission with respect to certain matters that were not entirely clear in this regard in the previous version of the part.

A new § 301.4 has been added to make it clear that certain nonrecurring payments, such as security deposits are now covered by the part.

All provisions relating to rent adjustments have been gathered together in § 301.101 so as to cover such matters as capital improvements, increases in property or services, and allowable costs in one place, with one formula for all rent adjustments. Special assessments are now considered as items of allowable costs, whereas they were previously excluded.

A new § 301.102 has been added to provide that, where decreases in allowable costs and in property or services occur, there shall be corresponding decreases in rents.

Section 301.103, relating to formula-determined rents has been expanded to specifically include residences on which rent increases are based on the passage of time. New § 301.209 provides a method for establishing a base rent for formula-determined rentals.

A new § 301.105 has been added to provide for the rounding off of rents to the nearest dollar.

Section 301.109 relating to exceptions has been expanded to require certain items in the notice by the lessor to the lessee and to more specifically state the procedure to be followed by a lessor who requests an exception.

Subpart C, relating to base rent, has been extensively revised but reflects no change in substance from the previous version, except for the fact that certain lessors, who otherwise would be required to compute base rent using the "eligible transaction" provision of § 301.206(b), may use that or other options stated, at their discretion. Certain provisions relating to base rent that were in other subparts have been moved into Subpart C.

The title of Subpart D has been changed to reflect the fact that there may be decreases in rent as well as increases.

A new paragraph (c) to § 301.301 has been added to provide three additional statements which must be included by a lessor in any notice of rent adjustment.

A new § 301.304 has been added to specifically clarify the Commission's intention that no lessor may change his leasing or business practices to circumvent the regulations.

In consideration of the foregoing, Part 301 of Title 6 of the Code of Federal Regulations is revised to read as set forth below, effective July 5, 1972.

Because the purpose of these amendments is to provide immediate guidance and information as to the rent stabilization program and to provide clarification of existing provisions, it is hereby found that notice and public procedure thereon is unnecessary and that good cause exists for making them effective less than 30 days after publication.

Issued in Washington, D.C., on June 30, 1972.

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

Subpart A—General

Subpart B—Rent Adjustments

Subpart C—Base Rent

Subpart D—Rent Adjustment Procedures

Subpart E—Procedure and Administration

AUTHORITY: The provisions of this Part 301 issued under Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1486; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; E.O. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971.

Subpart A—General

§ 301.1 Scope.

(a) This part sets forth the regulations applicable to rents for residences in the United States.

(b) This part does not apply to any real estate or residence exempted by Subpart D of Part 101 of this title or to establishments which have as their primary purpose the providing of diagnosis, cure, mitigation, and treatment of diseases for residents. However, it does apply to establishments which provide general supervision in a convalescent home or a home for children or the aged or which provide services such as vocational training of handicapped persons who are residents thereof.

§ 301.2 Definitions.

The following definitions apply in this part:

"Allowable costs" means State and local real property taxes, and State and local fees, levies, and other charges for municipal services, except for gas and electricity.

"Base rent" means the base rent determined under Subpart C of this part.

"Capital improvement" means an improvement or betterment to a residence, which first benefits that residence after August 14, 1971, and is subject to an allowance for depreciation under the Internal Revenue Code of 1954.

"Class of lessees" means a renewal class (persons who are renewing leases on a particular residence which they had leased during the immediately preceding lease period) and a new lessee class (persons who are leasing a particular residence for the first time).

"Complex" means a group of substantially adjacent residences which, for the purposes of management, was operated as a single entity on August 15, 1971.

"Effective date of lease" means the earliest date on which the lessee may take possession of the residence under the lease.

"Enter into a lease" means to execute a written lease, enter into an oral lease, create an implied lease, or renew a lease, regardless of duration. However, the failure of a tenant to give timely notice of intent to vacate in the face of an announced rent increase does not, in itself, constitute the entering into of a lease.

"Including" means including but not limited to.

"Lease" means an oral or written agreement, express or implied, regardless of its duration, for the use of a residence and for the use of property or services in connection with the residence, and includes a sublease.

"Lease in effect" means a lease under which the lessee has a present right of possession. A lease takes effect, or becomes effective, on the date the lessee acquires the right of possession under that lease.

"Lessee" means the person who is obligated to pay rent under a lease.

"Lessor" means the person to whom the lessee is obligated to pay rent under a lease.

"Person" includes any individual, trust, estate, partnership, association, company, firm, corporation, a government, and any agent or instrumentality of a government (but does not include a foreign government, or any international organization established by treaty or agreement between participating governments).

"Price" means any consideration (compensation) whether paid in money, services, or any other form.

"Rent" means the price charged, under a lease, for the right to possession and use of a residence, including any required recurrent charge therefor and any required recurrent charge for the use of services or property in connection therewith.

"Rent payment interval" means the time period within the term of a lease for which a rent payment must be made to the lessor.

"Residence" means a housing unit, including personal property such as a mobile home or a house boat, when offered for lease as a place of abode rather than as temporary lodging. It also includes real property upon which the housing unit is situated (or is to be situated if that unit is personal property) and which is necessary for the convenient use of the unit, and property owned by the lessor or owner of the unit, which is available for use by the lessee in connection with his use of the unit, and for which he must pay rent under the lease. A hotel or similar establishment may contain both residences and temporary lodging units.

"United States" means the several States and the District of Columbia.

§ 301.3 Discounts.

The forgiveness of any rent payment shall be prorated as a discount from the rent which will be paid during a 12-month period, plus the forgiven period, if the lease term is 12 months or shorter. If the lease term is longer than 12 months, then the forgiveness of any rent payment shall be prorated as a discount from the rent which will be paid during the term of the lease, if the term includes the forgiven period, or if not, the term of the lease plus the forgiven period.

Example 1. On July 1 a person signs a 13-month lease for a previously leased residence, calling for rent of $100 each month for a 12-month period. Thus, possession is given for 1 month without payment of rent. The monthly rent, taking into account the discount is $\frac{12 \times \$100}{13}$ or $92.31.

Example 2. A month-to-month lease is entered into and becomes effective on July 1 calling for a rent of $200 each month. The first month's rent is forgiven and rent payments begin on August 1. The monthly rent, taking into account the discount, is $\frac{12 \times \$200}{13}$ or $184.62.

§ 301.4 Nonrecurring payments.

(a) *Definition.* For the purposes of this section, "nonrecurring payment" means a nonrecurring charge or deposit of money with the lessor by the lessee on or after the entering into of a lease. A nonrecurring payment may or may not be refundable upon the expiration of a lease.

(b) *General.* No person may charge a nonrecurring payment in excess of the amount of such a payment paid in connection with the lease of the residence in effect on August 15, 1971. However, if the customary practice of the lessor before August 15, 1971 (as shown specifically and affirmatively by his records) was to increase the amount of nonrecurring payments when the rent was increased, this practice may be continued. If continued, the ratio of the current nonrecurring payment to the monthly rent which may be charged under this part may not exceed the ratio of such payment charged in connection with the lease of the residence in effect on August 15, 1971, to the monthly rent under that lease. If no lease of the residence was in effect on August 15, 1971, any nonrecurring payment may not exceed the nonrecurring payment charged under the most recent lease for the residence in effect before August 15, 1971, plus the allowable adjustment, if applicable, as provided for in this section. If no lease was in effect during the period beginning on May 25, 1970, and ending on August 15, 1971, no nonrecurring payment may be made in excess of the payments made under leases on comparable residences in the same marketing area.

§ 301.5 Residences: determination of date of habitability.

For the purposes of determining whether a rental unit is one on which construction has been completed and which is offered for rent for the first time or whether a rehabilitated dwelling is a residence that is first habitable as a rehabilitated dwelling (within the meaning of § 101.33(a)(2)(iii) of this title), a certificate of occupancy or inspection or its equivalent, if required by law to be executed before lawful occupancy of the residence, shall be conclusive as to when it first became habitable. If such a certificate or its equivalent is not required by law to be so executed, an affidavit by the owner or lessor setting forth that date shall be prima facie evidence thereof.

§ 301.6 General.

Except as otherwise provided in this part, no person may increase, offer to increase, or give notice of intent to increase the rent for a residence to an amount in excess of the base rent as established under Subpart C of this part.

Subpart B—Rent Adjustments

§ 301.101 Rent adjustments.

(a) A person may enter into a lease, after notice pursuant to § 301.301, which provides for a rent in excess of the base rent only to the extent that the rent does not exceed the amount of the base rent, plus the following:

(1) *Two and one-half percent annual increment.* A sum of no more than 2½ percent of the base rent for the residence plus an additional sum of no more than 2½ percent of the base rent at the end of each 12-month period following the date of the beginning of the rent payment interval in which the base rent of that residence had been increased under this subparagraph.

(2) *Allowable cost increases.* The amount of increase in allowable costs occurring after August 15, 1971, allocable to the residence pursuant to paragraph (b) of this section.

(i) *When increase occurs.* To justify an increase in rent under this subparagraph, the first installment or all of an allowable cost which has been increased must be payable after August 15, 1971. An allowable cost is considered to be payable on the date the payor becomes subject to the imposition of interest or a penalty on any unpaid portion of the tax or charge.

(ii) *Amount of increase.* The amount of the increase in allowable costs is the excess of (*a*) over (*b*), divided by 12:

(*a*) The allowable costs related to the residence which will be charged during the 12-month period beginning on the date the first installment of the first increase or any later increase in costs is payable.

(*b*) The allowable costs related to the same residence, which were charged during the 12-month period ending on the day before the date the first installment of the first increase in costs is payable.

(iii) *Limitations.* Notwithstanding subdivisions (i) and (ii) of this subparagraph, the rent may be increased under this subparagraph beginning with the first rent payment interval after December 28, 1971. However, no rent may be increased under this subparagraph until the first installment of the allowable costs reflecting the increase is payable, or has been paid, whichever is earlier. Any increase authorized under this subparagraph, but not previously charged, may be charged pursuant to subdivision (v) of this subparagraph.

(iv) *Adjustments.* If a residence was exempt or partially exempt from any allowable cost, during the time period described in subdivision (ii)(*b*) of this subparagraph the amount of allowable costs shall be computed under subdivision (ii) of this subparagraph as if that property had not been exempt. If the State or local government imposing a tax or charge changes the date upon which it is payable, the computation of the increase under subdivision (ii) of this subparagraph shall be made as if the payment date had remained the same.

(v) If an allowable cost increase has not been reflected in an increased rent, the amount of the increase which may be charged for the period after December 28, 1971, must, if it is to be charged, be prorated over the 12-month period following the expiration of the current lease unless that current lease specifically provides otherwise.

(3) *Capital Improvements.* A sum equal to 1½ percent per month (or its prorated equivalent for other rent payment intervals) of that part of the cost of any capital improvement completed

after August 14, 1971, that is allocable to the residence, until the cost of the improvement has been fully recovered or until the improvement ceases to benefit the residence. No rent for any residence may be increased by more than 10 percent per month under this subparagraph until the entire increase has been approved by the local District Director of the Internal Revenue Service, unless the capital improvement is required by State or local law, or by the terms of a mortgage or deed of trust in effect before December 29, 1971. In any case in which prior approval is so required of the Internal Revenue Service the lessor must show to the satisfaction of the District Director that the capital improvement is required for the health or safety of the tenants or to preserve the present value of the residence which is to be benefited by the capital improvement.

(4) *Increase in property or services.* A sum equal to the cost per month to the lessor of any increase in the property (not considered to be a capital improvement) or services provided in connection with the use of the residence over that expressly or impliedly provided in the lease under which the base rent is calculated. However, an increase in rent under this subparagraph is allowable only after the written consent of a majority of the lessees affected by the increase, except where the increased property or service is required by State or local law or by the terms of a mortgage or deed of trust in effect before December 29, 1971.

(b) *Allocation of rent adjustments.* Allowable costs, capital improvements, and increases in property or services which are related to a particular residence may be used only to justify rent increases for that residence. To determine the amount of rent adjustments allowable to a particular residence when those adjustments are related to several residences, the total increase in adjustments shall be multiplied by a fraction. The numerator of the fraction is the rent charged or chargeable for the residence during the most recent complete accounting year of the lessor. The denominator is the sum of all rents charged or chargeable for all residences or other rental units in the structure or complex which are subject to the increase in adjustments during the most recent complete accounting year of the lessor.

§ 301.102 Decreases in allowable costs and property or services.

(a) *Decreases in allowable costs.* Notwithstanding any other provision of this part, the rent charged for any residence shall be reduced to the extent that any increase in allowable costs computed under § 301.101(a)(2) does not continue to be incurred by the owner of that residence.

(b) *Decreases in property or services.* The rent charged for any residence shall be reduced to the extent that any increase in costs for an increase in the property or services under § 301.101(a)(4) does not continue to be incurred by the lessor or owner of that residence.

(c) *Reduction.* In addition, if the allowable costs computed under § 301.101(a)(2) or the property or services provided in connection with the use of the residence is decreased from that expressly or impliedly provided in the lease under which the base rent is calculated, the rent for that residence shall be reduced. The amount of the reduction shall be the cost per month no longer incurred by the lessor or owner of the residence as a result of the decrease.

(d) *Allocation.* Allocation of the decreases referred to in paragraphs (a), (b), and (c) of this section shall be in accordance with the method for allocating increases in § 301.101(b).

§ 301.103 Formula-determined rentals.

(a) *Definition.* For the purposes of this section, a "formula-determined rental" exists where the rent for rent payment intervals may be variable over the term of the lease with charges depending upon the lessor's costs or other factors, such as the cost of living index, or the passage of time.

(b) *General.* A lease of a residence or other real property in which the rent is determined by means of a formula specified in the lease agreement may continue with that formula in effect. However, the total dollar amount of the rent for each rent payment interval, determined pursuant to that formula, may not exceed the amount which would be otherwise allowable under this subpart.

(c) The redetermination of the amount of rent in the case of a formula-determined rental constitutes the entering into of a lease for the purposes of applying the rent adjustment provisions of this subpart.

§ 301.104 Rounding.

Any rent (but not the component amounts thereof) may be rounded to the nearest dollar by the lessor, by eliminating any amount less than 50 cents and increasing any amount over 49 cents but not more than 99 cents to the next highest dollar. If the lessor chooses to use rounding, he must use it for all residences in the same building or complex.

§ 301.105 Rent controlled units.

(a) *Definition.* For the purposes of this section, "rent controlled unit" means a residence, the rent of which is controlled either—

(1) Under a rent control program of general applicability in existence before November 14, 1971, under the laws or regulations of a State or local government, or an agency or instrumentality thereof; or

(2) By the Federal Government, a State or local government, or an agency or instrumentality thereof, which has provided financial or financing assistance for the construction or purchase of the residence.

The term includes a hospital which owns or controls the residence when the residence is provided for an employee of the hospital; and also includes a school, college, university, or similar institution, operated for profit, which owns or controls housing, provided for its students.

(b) *General.* A lease of a rent controlled unit entered into after December 1, 1971, may provide for a rent in excess of the base rent only to the extent authorized by the governmental authority which has complied with paragraph (c) of this section or by the hospital or school which owns or controls the residence.

(c) *Instructions to governmental authorities.* Each governmental authority referred to in paragraph (a) (1) or (2) of this section shall—

(1) Before April 15, 1972, furnish the Price Commission a full description of its method of rent control and a copy of each of its laws, regulations, and procedures by which that control is implemented;

(2) Report to the Price Commission each change in any of those laws, regulations, or procedures, within 30 days after the date of that change;

(3) Report to the Price Commission, within 30 days after the end of each calendar quarter, on the aggregate percentage of rent increases for controlled units under its jurisdiction during that quarter; and

(4) Furnish any further information requested by the Price Commission.

(d) *Review.* To insure that the goals of the Economic Stabilization Program are attained, the Price Commission reserves the right to review, limit, or decrease any requested, ordered, or authorized rent increase made pursuant to paragraph (b) of this section, and to impose additional or different requirements on any governmental authority reporting under paragraph (c) of this section.

§ 301.106 Other factors.

Notwithstanding any other provision of this part, in making any determination, the Price Commission will take into account whatever factors it considers relevant to an equitable resolution of the case and considers necessary to achieve the overall goal of holding average price increases across the economy to a rate of not more than 2½ percent per year.

§ 301.107 Review.

Notwithstanding any other provision of this part, the Price Commission reserves the right to review and limit or decrease the amount of any rent increase not previously approved by it.

§ 301.108 Exceptions.

(a) *General.* A lessor may request an exception from the operation of this part in case of extreme hardship.

(b) *Requirement of notice.* At or before the time a lessor requests an exception, he shall notify each lessee that the exception has been or will be requested.

(c) *Contents of notice.* The notice to the lessee must be in writing, signed by the lessor or his agent, dated as of the day of mailing or delivery, and shall state—

(1) The amount and percentage of increase requested;

(2) That affidavits are being submitted to the Internal Revenue Service to the effect that the building is not in substantial violation of building codes nor have services to tenants been reduced;

(3) That a statement is being submitted to the Internal Revenue Service that, to the best of the lessor's knowledge and belief, the proposed rental increases shall not bring rental levels substantially above comparable rentals in the marketplace; and

(4) That each lessee has a right to submit to the district office of the Internal Revenue Service to which the application was submitted (specify the address), within 15 days after the date specified in the notice—

(i) A statement as to the impact of the proposed increase upon him if granted, and as to the condition of the building and any change in the services provided; and

(ii) Information as to his income. The submission of this information is optional with the lessee. If submitted it should include the—

(a) Number of occupants in the lessee's unit;

(b) Total monthly income of occupants in the unit from whatever source derived; and

(c) Percentage of monthly income paid for rent before and after the proposed rent increase, if authorized.

(d) *Required compliance with § 301.-301.* The notification requirements of § 301.301 apply whenever a lessor is granted an exception pursuant to this section.

(e) *Delegation.* There is hereby delegated to each District Director of Internal Revenue the authority to consider, and grant or deny, in whole or in part, any request for an exception from any provision of this part.

(f) The lessor shall comply with the obligations specified in the notice.

Subpart C—Base Rent

§ 301.201 General.

Except as otherwise provided in this subpart, the base rent for any residence is the rent charged (converted to a monthly basis) for that residence in the most recent rent payment interval before August 15, 1971. In determining a base rent, only those rents charged under leases entered into between persons in a relationship other than those listed in section 267(b) of the Internal Revenue Code of 1954 may be used. The base rent runs with the residence despite a change in ownership or management.

§ 301.202 Residences with leases in effect on August 15, 1971.

The base rent for a residence upon which a lease was in effect on August 15, 1971, is the rent charged under that lease for the rent payment interval which included that date, unless—

(a) A lease of that residence had been entered into before August 15, 1971, to take effect after August 14, 1971, in which case the base rent is the highest rent charged or chargeable under that lease; or

(b) No lease was in effect as described in paragraph (a) of this section, but the lease under which the rent for the rent payment interval which included August 15, 1971, was paid was entered into before May 16, 1971, in which case the base rent is the lessor's choice of the following:

(1) The rent in effect for the rent payment interval which included August 15, 1971; or

(2) The rent as computed pursuant to § 301.206.

The lessor's choice of the method use for establishing base rent under this paragraph shall be used for all residences in the same building or complex.

§ 301.203 Residences without leases in effect on August 15, 1971.

(a) *Residences without leases in effect on August 15, 1971, but with leases in effect during the period beginning May 25, 1970, and ending on August 14, 1971.* If § 301.202 does not apply because no lease was in effect on the residence on August 15, 1971, but a lease was in effect at any time during the period beginning on May 25, 1970, and ending on August 14, 1971, the base rent of that residence shall be the highest rent charged under the most recently effective lease during that period, unless—

(1) A lease of that residence had been entered into before August 15, 1971, to take effect after August 14, 1971, in which case the base rent shall be the highest rent charged or chargeable under that lease; or

(2) No lease was entered into as described in subparagraph (1) of this section, but the lease which most recently became effective was entered into before May 16, 1971, in which case the base rent shall be the lessor's choice of the following:

(i) The rent most recently charged under the lease; or

(ii) The rent as computed pursuant to § 301.206.

The lessor's choice of the method for establishing base rent under this subparagraph shall be used for all residences in the same building or complex.

(b) *Residences without leases entered into or in effect during the period beginning on May 25, 1970, and ending on August 14, 1971.* If § 301.202 and paragraph (a) of this section do not apply, but a lease was entered into during the period beginning on August 15, 1971, and ending on December 28, 1971, the base rent of the residence shall be the highest lawful rent that was charged under that lease (or which could have been charged had that lease become effective during that period) pursuant to regulations of the Economic Stabilization Program which were in effect at the time the lease was entered into.

(c) *Residences without leases entered into or in effect during the period beginning on May 25, 1970, and ending December 28, 1971.* If § 301.202 and paragraphs (a) and (b) of this section do not apply, the base rent of the residence is the current average monthly rent of comparable residences in the same marketing area.

(d) *Residences with leases entered into for the first time before August 15, 1971, to go into effect after August 15, 1971.* If § 301.202 and paragraphs (a), (b), and (c) of this section do not apply, and the residence was first leased before August 15, 1971, but the lease did not take effect until after August 15, 1971, the base rent is the highest rent charged or chargeable under that lease.

§ 301.204 Residences with rents subject to seasonal fluctuation.

(a) *Application.* Notwithstanding §§ 301.202 and 301.203, a residence, for which the rents charged show distinct fluctuations at seasonal or otherwise predictable points in time, shall have a base rent which reflects those fluctuations. The fluctuations must have occurred in a similar pattern in each year of the 3 years before August 15, 1971. Residences which were not leased at any time before the year in which the most recent seasonal fluctuations in rent occurred shall be treated under this section in the same manner as comparable residences in the same marketing area which are rented under similar circumstances. If there are no comparable residences in the same marketing area, reference shall be made to the nearest similar marketing area.

(b) *Computation.* The base rent for residences subject to this section shall be equal to the base rent provided in §§ 301.202 and 301.203. The base rent shall be adjusted upwards or downwards, as appropriate, in determining the rent which may be charged for each rent payment interval during the year. The amount of an adjustment shall be the percentage amount of fluctuation referred to in paragraph (a) of this section during the 12-month period ending on August 14, 1971.

§ 301.205 Residences formerly subject to rent controls pursuant to § 301.105.

The base rent for a unit of rent controlled housing which became decontrolled as the result of a vacancy occurring after August 14, 1971 (the base rent of which unit, if computed under §§ 301.202 through 301.204, would be based in whole or in part upon a rent controlled by the laws and regulations of the city and State of New York under authorization provided by § 301.105), is the average rent provided in transactions occurring between July 16, 1971, and August 14, 1971, inclusive, of substantially identical decontrolled units in the same building or complex. If such a substantially identical unit was not rented during that period of time, the base rent shall be the average rent of substantially identical units decontrolled during that period located in the nearest marketing area containing such a substantially identical unit. This section applies to transactions entered into after August 14, 1971, but does not authorize the collection of any increased rent for any unit for any period before February 23, 1972, and does not invalidate, in

whole or in part, any lease that was otherwise valid when entered into.

§ 301.206 Computation of base rent under specific circumstances.

(a) *General.* This section provides the method for computing base rent for purposes of §§ 301.202(b) and 301.203(a)(2), unless the residences covered by those sections are subject to § 301.208.

(b) *Computation with eligible transactions.* For the purposes of this paragraph, "transaction" means the entering into of a lease. The base rent of a residence subject to a lease with terms of greater than 1 month's duration, entered into before May 16, 1971, shall be the rent charged under that lease for the most recent rent payment interval before May 15, 1971, increased by the percentage of increase in leases reflecting the kinds of transactions described in subparagraphs (1) through (3) of this paragraph, during the period beginning on May 16, 1971, and ending on August 14, 1971. The percentage of increase shall be the quotient of a fraction. The numerator of the fraction shall be the sum of all of the monthly rents agreed upon in all of those transactions. The denominator of the fraction shall be the sum of all of the monthly rents charged under the leases in effect for the rent payment interval immediately preceding those transactions. The transactions to be used for the purpose of this section are those which—

(1) Involve a residence in the same building or complex as the one for which the base rent is being computed, and which, before the date of the transaction, had been subject to a lease of greater than 1 month's duration;

(2) Involve the same class of lessee as the class of the intended lessee; and

(3) Occurred in one of the following periods:

(i) The period beginning on July 16, 1971, and ending on August 14, 1971;

(ii) The period beginning on June 16, 1971, and ending on July 15, 1971; or

(iii) The period beginning on May 16, 1971, and ending on June 15, 1971.

The period selected shall be the first period before August 15, 1971, in which such a transaction took place.

(c) *Computation without eligible transactions.* In any case in which there are no transactions as described in paragraphs (b) (1) through (3) of this section, the base rent shall be the rent charged for the rent payment interval which included May 25, 1970, increased by 5 percent, or the monthly rent charged for that residence for the most recent rent payment interval before August 14, 1971, whichever is higher.

§ 301.207 May 25, 1970, limitation date.

This part does not require any person to establish a base rent which is less than the rent received for the residence for the rent payment interval which included May 25, 1970. If no lease was in effect for a residence on May 25, 1970, the nearest preceding date on which a lease was in effect shall be considered to be May 25, 1970.

§ 301.208 Residences with leases of greater than 1 year's duration entered into before May 15, 1971.

(a) *Applicability.* Notwithstanding any other provision of this subpart, the base rent (except for the base rent of any unit covered by §§ 301.105 and 301.205) of the following residences shall be determined as provided in this section:

(1) Those upon which a lease of greater than 1 year was entered into before May 15, 1971, and which expired after December 28, 1971 (whether or not a lease was entered into with respect to that residence after December 28, 1971).

(2) Those upon which a lease of greater than 1 year was entered into before May 15, 1971, and which expired during the period beginning on August 15, 1971, and ending on December 28, 1971, and with respect to which a lease of lesser duration than the expired lease was entered into after December 28, 1971.

This section applies only in cases in which the current monthly rent, excluding increases for real estate taxes, allowable municipal service charges, and capital improvements began before June 1, 1972, is at least 8 percent greater than the rent charged for the most recent rent payment interval before May 15, 1971. After a lessor has complied with this section with respect to a particular residence, and the base rent of that residence has been determined under this section, subsequent rent adjustments for that residence shall be determined as otherwise provided in this part.

(b) *Determination of base rent.* In any case in which a lessor offers to lease, or is leasing, a residence to which this section applies, he shall offer the following options to the present or a new lessee:

(1) A lease of equal or greater duration than the expiring lease referred to in subparagraph (1) or (2) of paragraph (a) of this section which provides for a monthly rent not to exceed that allowable by the application of subparts B and C of this part.

(2) A lease of 1 year or less, as specified by the lessee, which provides for a monthly rent, which, including the amount of the increase resulting from the application of § 301.206, the allowable rent increase provided by § 301.101(a)(1), and any increase for capital improvements (began after May 31, 1972) under § 301.101(a)(3), but excluding allowable cost increases provided by § 301.101(a)(2), does not exceed the monthly rent charged for the most recent rent payment interval before May 15, 1971, plus 8 percent.

If option (1) is elected, the base rent of the residence shall be the base rent determined under Subpart C of this part. If option (2) is elected, the base rent shall be the rent specified in the lease offered under that option, less allowable cost increases provided by § 301.101(a)(2), the allowable rent increase provided by § 301.101(a)(1), and any increase for capital improvements under § 301.101(a)(3).

(c) *Effective date of options*—(1) *New lessees.* The term of the lease offered to a new lessee under the options specified in paragraphs (b) (1) and (2) of this section shall begin on the date the lessee acquires possession. The rent specified in that lease shall be effective beginning with the first rent payment interval of the lease.

(2) *Renewal lessees.* The term of the lease offered to a renewal lessee (a lessee with a present right of possession of the residence) under the option specified in paragraph (b)(1) of this section shall begin on the date specified by the lessor. The term of the lease offered to a renewal lessee under the option in paragraph (b)(2) of this section shall begin on July 1, 1972, if that lessee had entered into a lease on the residence between December 29, 1971, and July 1, 1972. If the renewal lessee had not entered into a lease on the residence during that period, the term of the lease offered under the option in paragraph (b)(2) of this section shall begin on the date the current lease expires. The rent specified in the lease offered to a renewal lessee under either option shall become effective for the first rent payment interval of the lease after June 30, 1972.

(d) *Notification.* Before a lease is entered into under this section, the lessor shall notify the lessee of the lessee's options on Form S–70 which is available at local Internal Revenue Service offices.

§ 301.209 Base rent for residences with formula rentals.

The base rent for a residence subject to a formula determined rental under a lease which was entered into before December 29, 1971, shall be the rent charged (converted to a monthly basis) for that residence in the most recent rent payment interval before December 29, 1971.

Subpart D—Rent Adjustment Procedures

§ 301.301 Notification procedures.

(a) *General.* Notwithstanding any other provision of this part except § 301.105, no person may charge, offer to charge, or give notice of intent to charge, an increase in rent for a rent payment interval (converted to a monthly basis) above that charged or chargeable for the rent payment interval (converted to a monthly basis) immediately preceding the effective date of the increase unless he has complied with this subpart. Whenever the operation of § 301.102 results in a decrease in any part of the rent for a residence, the lessor shall notify the lessee, in writing, of that decrease.

(b) *Requirement of 30 days' notice.* The lessor shall notify each lessee of any proposed rent increase, in the form prescribed by this section, at least 30 days before the date upon which the increase is to become effective. The lessor shall provide to each prospective lessee of a particular residence the same information as that required to be given by notice to a lessee under this section.

(c) *Contents of notice.* The notice shall be in writing, signed by the lessor or his agent, and shall state—

(1) The amount of rent for the rent payment interval immediately preceding the proposed increase and that for the rent payment interval in which the increase becomes effective;

(2) The percentage increase and dollar amount of the proposed increase;

(3) The effective date of the proposed increase;

(4) The amount of the proposed increase which is attributable to capital improvements (with a description of each such capital improvement), allowable costs, increases in property or services, and any increase allowed under § 301.101(a)(1), all separately itemized;

(5) The base rent and an explanation of the manner in which the base rent was determined, including identification of units involved and dates applicable leases were entered into and rents specified in those leases;

(6) The amount of any increase attributable to an exception granted under § 301.108 and the date the exception was granted;

(7) The method of computation of the proposed increase; and

(8) The following language:

(i) You or your representative have the right to examine the documentation which supports this proposed rent increase in order to satisfy yourself that the proposed rent increase is in accordance with the rent stabilization regulations prescribed by the Price Commission. This documentation is located at _____: and may be inspected upon request between the hours of _____ through _____ on _____.
(specify days of week)

(ii) If you do not understand the basis for this increase or believe that the increase is not allowable under those rent stabilization regulations, we will meet with you at a suitable time and at a location convenient to your residence to discuss the proposed increase and explain its justification.

(iii) If, after meeting with us, you have reason to believe that those rent stabilization regulations have not been complied with, you may contact the District Director of the Internal Revenue Service at _____ and provide him with a copy of the notice of the proposed rent increase and a detailed written statement of why you believe there has been a failure to comply with those rent stabilization regulations.
(address)

(iv) Any proposed increase of which you received notice that conforms to § 301.301 of the rent stabilization regulations will go into effect as of the date specified in the notice. However, if it is later determined by the Internal Revenue Service or other proper authority that all or any part of the increase was illegal under those regulations, that illegal amount will be refunded to you within 30 days after the date of the determination that it was illegal.

(v) It is illegal for us to take any retaliatory action against you for exercising any of your rights under those rent stabilization regulations, and we will take no retaliatory action against you for exercising any of those rights.

(vi) It is hereby declared that the foregoing statements and facts are true to the best of our knowledge and belief; and that to the best of our knowledge and belief the increase in your rent is not in violation of the Economic Stabilization Regulations.

(d) The lessor shall comply with the obligations specified in the notice.

(e) *Delivery of notification.* The notice may be delivered to the lessee by any reasonable means. However, unless the notice is mailed to the lessee's residence, delivery is not considered to have been made unless a signed receipt is obtained from the lessee or his representative. If the lessee is notified by mail, other than registered or certified mail, the lessor shall certify, by affidavit, and shall retain the affidavit in his records, that he mailed the notice to the lessee.

§ 301.302 Violation reporting procedure.

(a) Whenever a lessee believes that his lessor has violated any provision of this part, he shall attempt to meet with the lessor as provided in § 301.301(c). If the lessee is not satisfied with the results of that meeting, or if the lessor will not meet with him, he may contact the nearest office of the Internal Revenue Service on the matter and shall provide that office with a copy of the notice of the rent increase and a detailed statement, in writing, as to why he believes there has been a violation.

(b) If a lessee is notified of a proposed increase in accordance with § 301.301, he shall pay the rent increase as specified in the notice, until the Internal Revenue Service or other proper authority has determined it to be illegal. If all or any part of an increase is so determined to be illegal, the lessor shall refund the amount so determined to be illegal to the lessee within 30 days after the date of the determination.

§ 301.303 Prohibition of retaliatory action.

No lessor may take retaliatory action against any lessee who exercises any rights conferred upon him by law or this part; or against any lessee who assists another lessee in exercising those rights. For purposes of this section, "retaliatory action" includes eviction, threat of eviction, violation of privacy, harrassment, reduction in quality or quantity of services not otherwise authorized under this part, or any other form of threat or coercion.

§ 301.304 Changes in practices prohibited.

No lessor or owner may make any changes in his leasing or business practices with respect to any residence subject to this part for the purpose of avoiding compliance with any provision of this part.

Subpart E—Procedure and Administration

§ 301.401 Special records requirement.

General: Each lessor, or his agent, shall maintain records showing—

(a) The base rent with respect to each residence;

(b) The reason for any rent adjustment under this part; and

(c) The lessor's customary practice before August 14, 1971, with respect to increasing the amount of nonrecurring charges when the rent was increased.

§ 301.402 Availability of records.

Each person required to provide a notice under § 301.301 or maintain a record under § 301.401 shall make a copy of that notice available, or shall make that record available, for examination on request by any lessee or his agent, any prospective lessee, or any authorized representative of the Internal Revenue Service or the Price Commission. A copy of each notice, and the entire record, shall be retained for a period of 4 years by each person required to provide or maintain them under this part.

§ 301.403 Timely mailing treated as timely filing.

(a) *General—Date of delivery.* For the purposes of notice requirements under this part, the postmark date is considered the date of delivery in cases where the notice was delivered to the proper party by the U.S. mail.

(b) *Registered and certified mail—*(1) *Registered mail.* If any notice is sent by U.S. registered mail—

(i) The registration is presumptive evidence that the notice was delivered to the party to which addressed; and

(ii) The date of registration is considered to be the postmark date.

(2) *Certified mail.* If any notice or filing is sent by U.S. certified mail and the sender's receipt is postmarked by the postal employee to whom the document is presented—

(i) The sender's receipt is presumptive evidence that the notice, statement, or other document was delivered to the party thereon indicated; and

(ii) The date of the postmark is considered to be the postmark date.

§ 301.404 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

When the last day prescribed under this part for performing any act falls on a Saturday, Sunday, or legal holiday, the performance of that act is considered to be timely if it is performed on the next succeeding day which is not a Saturday, Sunday, or a legal holiday. For the purposes of this section, the last day for the performance of any act shall be determined by including any authorized extension of time. As used in this section, "legal holiday" means a legal holiday in the District of Columbia; and in the case of a notice, statement, or other document required under authority of this part to be performed with respect to any residence or at any office of the

Internal Revenue Service, located outside the District of Columbia, "legal holiday" also means a statewide legal holiday in the State where that office is located.

§ 301.405 Delegations to Internal Revenue Service.

Whenever the Price Commission states in this part that a function is to be performed by the appropriate District Director of Internal Revenue, the approval of the regulation by the Secretary of the Treasury constitutes a redelegation of that function from the Secretary through the Commissioner of Internal Revenue to the District Director. The approval will be indicated in the preamble to the regulation stating the purpose of the amendment.

§ 301.451 Penalties.

(a) *Criminal.* Any person who willfully violates any provision of this part or any order issued thereunder shall be subject to a fine of not more than $5,000 for each violation.

(b) *Civil penalties.* A person who violates any provision of this part or any order issued thereunder shall be subject to a civil penalty of not more than $2,500 for each violation.

(c) *Injunctions and other relief.* Whenever it appears to the Price Commission that any individual or organization has engaged, is engaged, or is about to engage in any act or practice constituting a violation of this part or any order issued thereunder, the Commission may request the Attorney General of the United States to bring an action in the appropriate district court of the United States to enjoin that act or practice. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of moneys received in violation of any such order or regulation.

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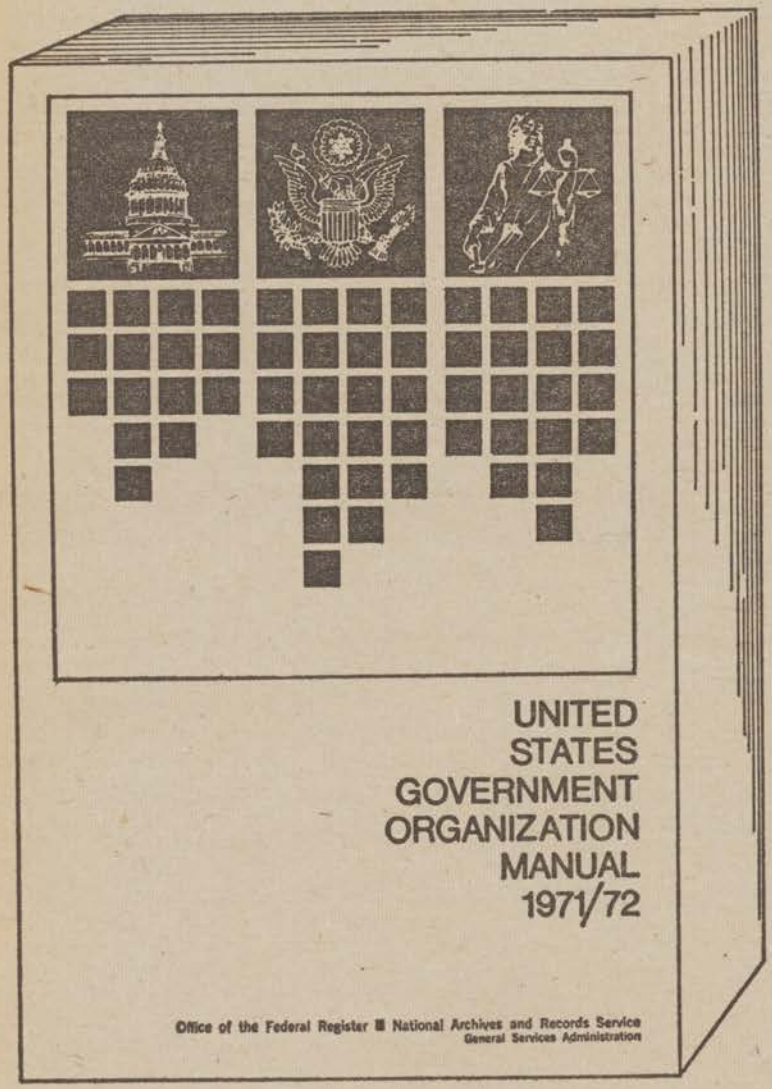

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