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(Part II begins on page 13511)

HIGHLIGHTS OF THIS ISSUE

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

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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.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Confidential Staff Assistant to the Special Representative for Trade Negotiations is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (7–8–72), subparagraph (5) is added to paragraph (d) of § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(d) *Office of the Special Representative for Trade Negotiations.* * * *

(5) One Confidential Staff Assistant to the Special Representative.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–10478 Filed 7–7–72;8:49 am]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3399 is amended to show that one position of Special Assistant to the Director, Cost of Living Council, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (7–8–72), subparagraph (4) is added to paragraph (a) of § 213.3399 as set out below.

§ 213.3399 Temporary Boards and Commissions.

(a) *Cost of Living Council and Related Organizations.* * * *

(4) One Special Assistant to the Director, Cost of Living Council.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–10479 Filed 7–7–72;8:49 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 7]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Child Nutrition Programs

The purpose of this amendment to the regulations governing the National School Lunch Program is to continue a statewide average reimbursement rate under § 210.4 of at least 6 cents for general cash-for-food assistance for all eligible lunches served. This average level was established for fiscal year 1972 by Public Law 92–153, approved November 5, 1971. The Department believes that the continuation of this level is reasonable and consistent with the best interests of program administration at the Federal, State, and local levels. The reimbursement rates for free and reduced price lunches served to needy children based on a level of 40 cents per meal will also be continued as provided for in § 210.11 of the regulations.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because of the need to make this amendment effective as soon as possible so that State agencies and schools can make their plans accordingly for the 1972–73 school year.

Accordingly, the National School Lunch Program regulations are amended as follows:

In § 210.4, paragraphs (f) and (g) are amended to change the phrase "the fiscal year 1972" where it first appears in each of such paragraphs to read "any fiscal year" and to change the phrase "the fiscal year 1972" the second time it appears in paragraph (f) to read "such fiscal year".

This amendment shall be effective upon publication.

Dated: July 6, 1972.

RICHARD LYNG,
Assistant Secretary.

[FR Doc.72–10545 Filed 7–7–72;8:50 am]

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

[Lemon Reg. 541]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.841 Lemon Regulation 541.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the de-

cared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 3, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 9, 1972, through July 15, 1972, is hereby fixed at 250,000 cartons.

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

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

Dated: July 5, 1972.

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

[FR Doc.72-10489 Filed 7-7-72;8:50 am]

[Lime Reg. 5]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

§ 911.405 Lime Regulation 5.

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

(2) The need for the regulation stems from the current supply and market situation. There currently is available a much greater supply of limes than can be marketed at a fair return to growers. The current crop of limes is estimated to be the largest crop of record and 14 percent above last season's record crop. Continued unseasonable weather and heavy rain in most major markets has resulted in a sharp decrease in demand for limes in such markets. With the excessive supply available and the decrease in demand, prices have fallen and the markets are demoralized. The committee reports that because of the large supply available, excessive shipments would likely be made next week in the absence of volume regulation. It estimates that 24,013 bushels were shipped last week and that 27,170 bushels were shipped during the preceding week. Shipments of limes during the current week were not restricted. Thus, volume regulation is needed to promote orderly marketing by limiting shipments as hereinafter specified during the week of July 9 through July 15, 1972.

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

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 9, 1972, through July 15, 1972, is hereby fixed at 20,000 bushels.

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

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

Dated: July 6, 1972.

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

[FR Doc.72-10580 Filed 7-7-72;8:52 am]

[Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, Area No. 3, was published in the FEDERAL REGISTER June 23, 1972 (37 F.R. 12397). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 10 days after publication. None was filed.

Findings. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Colorado Area No. 3 Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1972 crop in Area No. 3 and of the marketing prospects for this season. Harvesting is expected to begin on or about July 17 so the regulation should become effective on that date. The grade, size, and maturity requirements provided herein are necessary to prevent potatoes of lesser maturities, undesirable sizes, or low quality from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Potatoes for prepeeling may be handled without regard to maturity requirements since skinning of such potatoes is of no consequence.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity, and inspection requirements: *Provided,* That safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore

shipments to processing outlets are unregulated.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) information regarding the provisions of this regulation, which are similar to those which were in effect during the previous marketing season, has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.367 Limitation of shipments.

During the period July 17, 1972, through June 30, 1973, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (e) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (f), and (g) of this section.

(a) *Grade and size requirements.* All varieties: U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter; or U.S. No. 1, or better grade, 2 inches minimum diameter: *Provided,* That Size B may be handled if U.S. No. 1, or better grade: *Further provided,* That long varieties may, in lieu of such minimum diameters, be 4 ounces minimum weight.

(b) *Maturity (skinning) requirements.* All varieties: For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Special purpose shipments.* (1) The grade, size, maturity, and inspection requirements of paragraphs (a), (b), and (e) of this section shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Charity;

(iii) Canning, freezing; and "other processing" as hereinafter defined; and,

(iv) Certified seed potatoes (§ 948.6).

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (c) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(3) Bill each shipment directly to the applicable buyer or receiver.

(e) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and it is made available for examination at any time upon request.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title effective September 1, 1971, as amended February 5, 1972; 37 F.R. 2745) including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(h) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 *Import regulations* (§ 980.1 of this chapter), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1972, through June 4, 1973, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated July 5, 1972, to become effective July 17, 1972.

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

[FR Doc.72–10490 Filed 7–7–72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72–SO–55]

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

Alteration of Control Zone and Transition Area

On June 15, 1972, F.R. Doc. 72–8995 was published in the FEDERAL REGISTER (37 F.R. 11858), amending Part 71 of the Federal Aviation Regulations by altering the Gulfport, Miss., control zone and transition area.

In the amendment, transition area extensions predicated on Keesler TACAN 050° and 200° radials were cited as "2.5 miles" in lieu of "4.5 miles." It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 72–8995 is amended as follows: In line 14 of the Gulfport, Miss., transition area description "* * * 2.5 * * *" is deleted and "* * * 4.5 * * *" is substituted therefor.

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

Issued in East Point, Ga., on June 29, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72–10434 Filed 7–7–72;8:45 am]

[Airspace Docket No. 72–GL–18]

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

Alteration of Control Zone and Transition Area

On pages 8678 and 8679 of the FEDERAL REGISTER dated April 29, 1972, the

Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at La Crosse, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following deletion beginning on line 5 of the transition area description: "And that airspace extending upward from 1,200 feet above the surface in the area bounded by V129, V246, and the 44°46′ parallel, and the area bounded by V2, V24, and V129."

These amendments shall be effective 0901 G.m.t., September 14, 1972.

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

Issued in Des Plaines, Ill., on June 23, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

LA CROSSE, WIS.

That airspace within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52′38″ N., longitude 91°15′21″ W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; within 3 miles each side of the 305° and the 146° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 6½ miles northwest of the RBN; and within 2½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR; and within 2 miles each side of the La Crosse ILS localizer north course, extending from the 5-mile radius zone to 9 miles north of the airport.

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

LA CROSSE, WIS.

That airspace extending upward from 700 feet above the surface within a 19-mile radius of the La Crosse Municipal Airport (latitude 43°52′38″ N., longitude 91°15′21″ W.).

[FR Doc.72-10432 Filed 7-7-72;8:45 am]

[Airspace Docket No. 72-GL-30]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at East St. Louis, Ill.

A new approach procedure to the Bi-State Parks Airport, East St. Louis, Ill., has been developed and the present procedure has been revised. The present transition area requires revision to provide adequate controlled airspace for the new procedure and deletion of excess controlled airspace for the revised procedure. Because the amount of controlled airspace required is reduced from that presently designated, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 14, 1972, as set forth below.

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

Issued in Des Plaines, Ill., on June 20, 1972.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

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

EAST ST. LOUIS, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bi-State Parks Airport (latitude 38°34′30″ N., longitude 90°10′00″ W.) and within 3 miles each side of the 130° bearing from the airport extending from the 7-mile-radius area to 8 miles southeast of the airport, excluding the area which overlies the St. Louis, Mo., transition area.

[FR Doc.72-10431 Filed 7-7-72;8:45 am]

[Airspace Docket No. 72-GL-22]

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

Designation, Alteration, and Revocation of Transition Areas

On page 8678 of the FEDERAL REGISTER dated April 29, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area in the southern portion of the State of Wisconsin, revoke the Lone Rock and Cecil, Wis., transition areas, and alter the following transition areas: Camp Douglas, Wis., Chicago, Ill., Green Bay, La Crosse, Madison, Milwaukee, Oshkosh, Platteville, and Sturgeon Bay, Wis., and Dubuque, Iowa, Minneapolis, Minn., and Eau Claire and Wausau, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments. No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., September 14, 1972.

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

Issued in Des Plaines, Ill., on June 23, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

WISCONSIN

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Wisconsin south of the 45° parallel.

In § 71.181 (37 F.R. 2143), the following transition areas are amended by deleting reference to that airspace extending upward from 1,200 feet above the surface:

Camp Douglas, Wis.	Milwaukee, Wis.
Chicago, Ill.	Oshkosh, Wis.
Green Bay, Wis.	Platteville, Wis.
La Crosse, Wis.	Sturgeon Bay, Wis.
Madison, Wis.	

In § 71.181 (37 F.R. 2143), the following transition areas are deleted:

Lone Rock, Wis. Cecil, Wis.

In § 71.181 (37 F.R. 2143), the following transition areas are amended as indicated:

Dubuque, Iowa—add "excluding State of Wisconsin".

Minneapolis, Minn.—add "excluding State of Wisconsin south of 45° parallel".

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within 14-mile radius of Eau Claire Municipal Airport (latitude 44°51′54″ N., longitude 91°29′02″ W.) and within 3½ miles each side of the Eau Claire ILS localizer northeast course extending from the 14-mile radius to 18 miles northeast of the airport; within 5 miles each side of the Eau Claire ILS localizer southwest course extending from the 14-mile radius to 15 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface north of the 45° parallel within a 25½-mile radius of the Eau Claire VORTAC.

WAUSAU, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Wausau Municipal Airport (latitude 44°55′33″ N., longitude 89°37′32″ W.) and that airspace extending upward from 1,200 feet above the surface north of the 45° parallel within a 15-mile radius of the airport.

[FR Doc.72-10433 Filed 7-7-72;8:45 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension for Veterinary Use

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (55-008V) filed by Wyeth Laboratories, Inc., Division of American Home Products Corp., Post Office Box 8299, Philadelphia, PA 19101 proposing the safe and effective use of

sterile benzathine penicillin G and procaine penicillin G suspension for injection for the treatment of horses, beef cattle, and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by revising § 135b.43(b) to include Wyeth Laboratories as an additional sponsor of the drug as follows:

§ 135b.43 Sterile benzathine penicillin G and procaine penicillin G suspension, veterinary.

* * * * *

(b) *Sponsor.* See code Nos. 017 and 040 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7–8–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 29, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–10447 Filed 7–7–72;8:47 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Xylazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (47–956V) filed by Chemagro, Division of Baychem Corp., Hawthorn Road, Post Office Box 4913, Kansas City, MO 64120, proposing the safe and effective use of xylazine hydrochloride as a sedative and analgesic for horses. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.58 Xylazine hydrochloride injection.

(a) *Specifications.* Xylazine hydrochloride injection is a sterile aqueous solution containing xylazine hydrochloride equivalent to 100 milligrams of xylazine in each milliliter of solution.

(b) *Sponsor.* See code No. 007 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in horses to produce sedation, as an analgesic, and as a preanesthetic to local or general anesthesia.

(2) It is administered intravenously at a dosage level of 0.5 milliliter of xylazine hydrochloride injection per 100 pounds of body weight or intramuscularly at a dosage level of 1 milliliter of xylazine hydrochloride injection per 100 pounds of body weight.

(3) Not to be administered to food-producing animals.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7–8–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 29, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–10446 Filed 7–7–72;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 848—FOREIGN TAX RELIEF PROGRAM

Subchapter D of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

A new Part 848 is added as follows:

Sec.
848.1 Purpose.
848.2 Policy.
848.3 Responsibilities.
848.4 Implementing the foreign tax relief program.
848.5 Reports.

AUTHORITY: The provisions of this Part 848 issued under 10 U.S.C. 8012 and Part 211 of this title.

§ 848.1 Purpose.

This part implements Part 211 of this title which defines Department of Defense (DOD) policy on tax relief from foreign governments and describes procedures for obtaining such relief. It applies to Air Force activities worldwide.

§ 848.2 Policy.

(a) In keeping with DOD policies in Part 211 of this title, the Air Force will obtain, to the maximum extent practicable, effective relief from all foreign taxes wherever the ultimate economic burden of those taxes would be demonstrably borne, in the absence of such relief, by funds appropriated or available to the Air Force, including military assistance appropriations, or funds under the control of its nonappropriated fund activities.

(b) Tax relief will be deemed as not practicable to obtain if:

(1) The total economic burden of a tax is so small that it may be considered a de minimis matter and the tax is not readily identifiable in the normal course of business. The total economic burden of a tax is computed on the basis of its rate, as it is estimated to apply to DOD funds, multiplied by the number of contracts (or other occasions) during a fiscal year to which (or on which) that rate is reasonably expected to apply.

(2) The administrative burden of obtaining effective relief from a tax which is not readily identifiable in the normal course of business would be, in a particular instance, out of proportion to the amount of the relief obtained.

§ 848.3 Responsibilities.

(a) *Cognizant office.* Within the Department of the Air Force (DAF), the Office of The Judge Advocate General, International Law Division (JACI), is designated as the cognizant office for foreign tax matters. This office will serve as the office of primary responsibility (OPR) for foreign tax matters with continuing responsibility for supervising and monitoring the DAF foreign tax relief program within the DAF. JACI will submit foreign tax matters of major importance, or which require the attention of another department or agency of the Government, to the Office of the Air Force General Counsel (SAF/GC) for appropriate action.

(b) *Designated commanding officers (DCO).* The following subparagraphs contain a list of DCO's which have been designated pursuant to Part 211 of this title.

(1) European Command (EUCOM):
(i) Belgium: CINCUSAREUR.
(ii) Denmark: CINCUSAFE.
(iii) France: CINCUSAREUR.
(iv) Germany: CINCUSAREUR.
(v) Greece: CINCUSAFE.
(vi) Italy: CINCUSNAVEUR.
(vii) Luxembourg: CINCUSAREUR.
(viii) Morocco: CINCUSNAVEUR.
(ix) Netherlands: CINCUSAFE.
(x) Norway: CINCUSAFE.
(xi) Portugal: CINCUSNAVEUR.
(xii) Spain: CINCUSAFE.
(xiii) Turkey: CINCUSAFE.
(xiv) United Kingdom: CINCUSAFE.
(2) Pacific Command (PACOM):
(i) Australia: CINCPACREP.
(ii) Japan: COMUSJAPAN.
(iii) Korea: COMUSKOREA.
(iv) New Zealand: COMNAVSUPFOR Antarctica.
(v) Philippines: CINCPACREPPPHIL.
(vi) Taiwan: COMUSTDC.
(vii) Thailand: COMUSMACTHAI.
(viii) Vietnam: COMUSMACV.
(3) Atlantic Command (LANTCOM):
(i) Bermuda: CO Naval Station (CONAVSTA Bermuda).
(ii) Iceland: Commander, Iceland, Defense Force.
(iii) Azores: Commander U.S. Forces (COMUSFORAZ).
(4) Continental Air Defense Command (CONAD):
(i) Canada: Commander, Aerospace Defense Command (ADC), Ent AFB CO 80912.
(ii) Greenland: Commander, Aerospace Defense Command.
(5) Strike Command (STRICOM)—Middle East and Africa South of the Sahara: CINCSTRIKE/CINCMEAFSA.

(c) *Air Force liaison officer for tax matters (AFLO).* In countries where the commander of an Air Force unit or organization is not the DCO for tax matters, the Air Force oversea major commander will designate the commander of an Air Force unit within each such country to serve as the central point of contact between Air Force activities and the DCO and other competent authority on

all matters pertaining to Air Force implementation of the DOD Foreign Tax Relief Program within that country.

§ 848.4 Implementing the foreign tax relief program.

(a) Each Air Force oversea major commander will issue regulations to prescribe procedures for submitting foreign tax questions for decision by a higher authority. These procedures will be consistent with policies and procedures, if any, of the unified command within the area.

(b) The DCO (where he is a commander of an Air Force unit or organization) or the AFLO for tax matters, as appropriate, will give advice and assistance on Air Force matters relating to tax relief provisions of applicable international agreements and relevant tax laws of foreign countries.

(c) All Air Force personnel with responsibilities under this part will place special emphasis on assisting contracting officers at the time contracts are drafted to ensure that the greatest possible relief from foreign taxation is obtained and that maximum understanding is achieved between the parties to the contract concerning the extent of foreign tax relief to be accorded or liability to be assumed.

(1) When a question exists regarding U.S. Government entitlement to relief or that of an Air Force contractor or subcontractor under an international agreement with the country concerned, or under the laws of that country or political subdivisions thereof, the contracting officer will refer the matter to the appropriate higher authority in accordance with the Air Force oversea major command regulation.

(2) When the contracting officer is located in the CONUS, the matter may be referred through command channels to HQ USAF/JACI as the cognizant office for foreign tax matters (see § 848.3(a)). Regardless of his CONUS or oversea location the contracting officer will indicate whether:

(i) The contractor has complied with the foreign tax provisions of the contract, as required by the Armed Services Procurement Regulations (§ 11.403 of this title) and

(ii) The contractor's obligations thereunder have been fully and promptly performed.

(3) The facts of each case and the ready availability of guidance and precedents bearing on the case will be the determining factors on whether the matter is resolved in-country (at embassy and DCO level), or referred to higher authority for resolution. If the matter is reported to Washington, it may be submitted through either unified command or Air Force channels. If the matter involves the Air Force, its contractors or subcontractors, regardless of the channels used for its submission, the Air Force oversea major commander involved will inform HQ USAF/JACI of the facts and legal issues involved in the case (see § 848.3(a)).

(d) When a foreign tax problem is referred to higher authority in accordance with this regulation, the contracting officer will notify the contractor concerned.

§ 848.5 Reports.

The requirement that country tax law studies and revisions thereof be forwarded to the Office of the DOD General Counsel, and to each cognizant office of the military departments and Defense agencies has been assigned ROS: DD–SD(AR)1036.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, U.S. Air Force, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.72–10435 Filed 7–7–72;8:47 am]

SUBCHAPTER N—WAKE ISLAND

PART 935—WAKE ISLAND CODE

Issuance of Warrants and Use of Special Areas; Correction

Chapter VII of Title 32 of the Code of Federal Regulations, as appears in 37 F.R. 12384–12391, June 23, 1972, is amended to include the following corrections:

Correct § 935.124 by redesignating subparagraphs (1) through (5) to (a) through (e), respectively.

Correct § 935.153 *Use of special areas,* to read § 935.152 *Use of special areas.*

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, U.S. Air Force, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.72–10436 Filed 7–7–72;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGD 72–126R]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Certain Port Areas in Florida

This amendment revises the boundaries of various units in the Seventh Coast Guard District. This revision enlarges the areas of responsibility of the Captain of the Port, Tampa, Miami, and Jacksonville, Fla., and disestablishes the Captain of the Port, Port Canaveral, Fla.

Since this is a matter relating to agency organization, it is exempted from the notice requirements of 5 U.S.C. 553(b).

Accordingly, Subpart 3.35 is amended by revising §§ 3.35–60(b), 3.35–70(b), and 3.35–85(b) and by revoking § 3.35–72 as follows:

§ 3.35–60 Jacksonville Captain of the Port.

* * * * *

(b) The Jacksonville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line beginning at a point located at 30°50′ N. latitude, 81°48′ W. longitude; thence to 30°50′ N. latitude, 81°20′ W. longitude; thence to 30°20′ N. latitude, 81°10′ W. longitude; thence to 29°42.5′ N. latitude, 81°10′ W. longitude; thence to 28°30′ N. latitude, 80°27′ W. longitude; thence to 28°00′ N. latitude, 80°19′ W. longitude; thence to 28°00′ N. latitude, 81°30′ W. longitude; thence to the Georgia-Florida State line at 30°37′ N. latitude, 83°00′ W. longitude; thence easterly along the Georgia-Florida State line to 30°34.5 N. latitude, 82°15′ W. longitude; thence to 30°50′ N. latitude, 82°15′ W. longitude; thence to the point of beginning.

NOTE: This includes the ports and navigable waters of the St. Marys River.

§ 3.35–70 Miami Captain of the Port.

* * * * *

(b) The Miami Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line beginning at a point located at 28°00′ N. latitude, 81°30′ W. longitude; thence to 28°00′ N. latitude, 80°19′ W. longitude; thence to 27°09.5′ N. latitude, 80°05′ W. longitude; thence to 26°40′ N. latitude, 79°55′ W. longitude; thence to 25°30′ N. latitude, 80°02′ W. longitude; thence to 25°05′ N. latitude, 80°12′ W. longitude; thence 300° T. to the western shoreline of Key Largo at 25°12′ N. latitude, 80°25′ W. longitude; thence along the southwest shoreline of Barnes Sound to 25°16′ N. latitude, 80°26′ W. longitude; thence to 25°53′ N. latitude, 81°16′ W. longitude; thence to 25°58′ N. latitude, 81°30′ W. longitude; thence to the point of beginning.

§ 3.35–72 Port Canaveral Captain of the Port [Revoked]

§ 3.35–85 Tampa Captain of the Port.

* * * * *

(b) The Tampa Captain of the Port comprises all navigable waters and contiguous land areas within the following boundaries: a line beginning at a point located at 25°53′ N. latitude, 81°16′ W. longitude; thence to 25°48′ N. latitude, 81°21′ W. longitude; thence to 25°41′ N. latitude, 81°39′ W. longitude; thence to 26°20′ N. latitude, 82°00′ W. longitude; thence to 26°30′ N. latitude, 82°15′ W. longitude; thence to 27°00′ N. latitude, 82°30′ W. longitude; thence to 27°30′ N. latitude, 82°55′ W. longitude; thence to 27°30′ N. latitude, 83°05′ W. longitude; thence to 27°45′ N. latitude, 83°05′ W. longitude; thence to 27°45′ N. latitude, 82°55′ W. longitude; thence to 28°00′ N.

latitude, 82°55′ W. longitude; thence to 28°30′ N. latitude, 82°50′ W. longitude; thence to 29°00′ N. latitude, 83°05′ W. longitude; thence to 29°30′ N. latitude, 83°30′ W. longitude; thence to 29°46.6′ N. latitude, 83°55′ W. longitude; thence to 29°46.6′ N. latitude, 83°50′ W. longitude; thence to 30°15′ N. latitude, 83°50′ W. longitude; thence to 30°15′ N. latitude, 84°45′ W. longitude; thence to the Florida-Georgia State line; thence easterly along the Florida-Georgia State line to 30°37′ N. latitude, 83°00′ W. longitude; thence to 28°00′ N. latitude, 81°30′ W. longitude; thence to 25°58′ N. latitude, 81°30′ W. longitude; thence to the point of beginning.

(80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

Effective date. This amendment becomes effective on July 10, 1972.

Dated: June 30, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-10481 Filed 7-7-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-1-(2,4,5-Trichlorophenyl) Vinyl Dimethyl Phosphate

A petition (PP 1F1023) was filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, DC lishment of tolerances for residues of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on the raw agricultural commodities cherries, cranberries, and pears at 10 parts per million; plums (fresh prunes) and tomatoes at 5 parts per million; and peaches at 0.1 part per million.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerance for residues in or on plums (fresh prunes).

The Fish and Wildlife Service of the Department of the Interior advised that it has no objections to the tolerances.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. The proposed usage is not reasonably expected to result in residues of the insecticide in eggs, meat, milk, and poultry. The usage is in the category specified in § 180.6(a)(3).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.252 is amended by revising the paragraph "10 parts per million * * *" and by adding two new paragraphs "5 parts per million * * *" and "0.1 part per million * * *", as follows:

§ 180.252 2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate; tolerances for residues.

* * * * *

10 parts per million in or on apples, cherries, corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), cranberries, and pears.

5 parts per million in or on tomatoes.

* * * * *

0.1 part per million in or on peaches.

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, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (7-8-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 28, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10439 Filed 7-7-72;8:48 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-39; Notice No. 72-8]

PART 394—RECORDING AND REPORTING OF ACCIDENTS

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

Marking of Vehicles Operated by Private Carriers

The Director of the Bureau of Motor Carrier Safety is transferring the provisions of § 394.6(b) of the Motor Carrier Safety Regulations to Part 397 of the regulations. Section 394.6(b) deals with required marking of vehicles used by private carriers to transport hazardous materials. The Director has concluded the logical arrangement of the regulations would be improved if this material appeared in Part 397, which contains rules pertaining to the operation of vehicles used to transport hazardous materials, rather than in Part 394, which relates to recording and reporting of accidents.

In addition, editorial changes are being made in the language of the transferred provisions to improve their clarity. No substantive change is being made.

§ 394.6 [Amended]

In consideration of the foregoing, paragraph (b) of § 394.6 of the Motor Carrier Safety Regulations (Subpart B of Chapter III in Title 49, CFR) is revoked.

Part 397 of the Motor Carrier Safety Regulations is amended by adding a new § 397.21, reading as follows:

§ 397.21 Marking of vehicles operated by private carriers.

(a) *General.* A motor vehicle being operated by a private carrier of property must be marked as specified in paragraphs (b) and (c) of this section if that vehicle—

(1) Is transporting hazardous materials of a kind or quantity that require the vehicle to be marked or placarded in accordance with § 177.823 of this title; and

(2) Is operating under its own power, either alone or in combination.

(b) *Nature of marking.* The marking must display the following information:

(1) The name or trade name of the private carrier operating the vehicle.

(2) The city or community in which the carrier maintains its principal office or in which the vehicle is customarily based.

(3) If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" imme-

diately preceding the information required by subparagraphs (1) and (2) of this paragraph.

Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this paragraph.

(c) *Size, shape, location, and color of marking.* The marking must—

(1) Appear on both sides of the vehicle;

(2) Be in letters that contrast sharply in color with the background;

(3) Be readily legible during daylight hours from a distance of 50 feet while the vehicle is sationary; and

(4) Be kept and maintained in a manner that retains the legibility required by subparagraph (3) of this paragraph.

The marking may consist of a removable device if that device meets the identification and legibility requirements of this section.

Since these amendments merely transfer a set of requirements from one place in the regulations to another and do not affect substantive rights or duties, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued on July 1, 1972.

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

[FR Doc.72-10484 Filed 7-7-72;8:50 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By a notice of proposed rule making published in the FEDERAL REGISTER of April 28, 1972 (37 F.R. 8530), notification was given that the Secretary of the Interior proposed to amend Part 10 of Title 50 of the Code of Federal Regulations. These amendments would reorganize the basic hunting regulations into a logical and more orderly grouping of subparts and pertinent sections. That notice also advised that specific open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1972–73 hunting seasons would be published for adoption no later than the dates therein specified.

State wildlife administrators, national conservation organizations, and individuals were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

The proposed reorganization of the basic hunting regulations, in general, was favorably received.

Only one objection of a major nature was received. That objection addressed itself to § 10.21(g)(2) which would have required that tame or captive ducks and geese be maintained at least one-half of a mile from the place where waterfowl hunting occurs. It was pointed out that this requirement would, in some instances, work a hardship on individuals who, because of the location of their property boundary lines, could not possibly comply with this rule, and therefore could not hunt on that property. Therefore, it is determined that § 10.21(g)(2) as proposed will not be adopted and that the remaining provisions of § 10.21 will be first tested to determine their adequacy in controlling problems arising from the use of live decoys.

A change is made to § 10.61 to clarify importation limits from Canada.

Accordingly, 50 CFR 10 is amended as follows:

AUTHORITY: The provisions of this Part 10 issued under the Migratory Bird Treaty Act of July 3, 1918, as amended, 40 Stat. 755; 16 U.S.C. 703–711.

Subpart A—Introduction

§ 10.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to the hunting of migratory game birds.

(b) *Procedural and substantive requirements.* Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part.

(c) *Authority.* The regulations in this part are promulgated under authority of the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703–711).

§ 10.2 Relation to other provisions.

(a) *Migratory bird permits.* The provisions of this part shall not be construed to alter the terms of any permit or other authorization issued pursuant to Part 16 of this chapter.

(b) *Migratory bird hunting stamps.* The provisions of this part are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934 (48 Stat. 451, as amended; 16 U.S.C. 718a).

(c) *National wildlife refuges.* The provisions of this part are in addition to, and are not in lieu of, any other provision of law respecting migratory game birds under the National Wildlife Refuge System Administration Act of

1966 (80 Stat. 927, as amended; 16 U.S.C. 668dd) or any regulation made pursuant thereto.

(d) *State laws for the protection of migratory birds.* Nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.

Subpart B—Definitions

§ 10.11 Meaning of terms.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Migratory game birds.* Those game birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed, are listed as follows:

(1) Anatidae (wild ducks, geese, brant, and swans);

(2) Columbidae (wild doves and pigeons);

(3) Gruidae (little brown cranes);

(4) Rallidae (rails, coots, and gallinules); and

(5) Scolopacidae (woodcock and snipe).

A complete list of migratory birds protected by the international conventions and the Migratory Bird Treaty Act appears in § 1.11 of this chapter.

(c) *Person.* Individual, club, association, partnership, or corporation, any one or all, as the context requires.

(d) *Take.* Pursue, hunt, shoot, capture, collect, kill, or attempt to hunt, shoot, capture, collect, or kill.

(e) *Open season.* Calendar days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

(f) *Closed season.* Calendar days on which migratory game birds shall not be taken.

(g) *Transport.* The act of transporting, carrying, or conveying, including delivering for transportation, receiving for transportation, or causing to be transported when performed by a person other than the postal service or a common carrier.

(h) *Ship.* The act of shipping, carrying, or conveying, including delivering for shipment or causing to be shipped, when performed by the postal service or a common carrier.

(i) *State.* Any State, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(j) *Daily bag limit.* The maximum number permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(k) *Aggregate daily bag limit.* The maximum number permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area for which a daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one of the specified geographic areas in which taking occurs.

(l) *Possession limit.* The maximum number permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(m) *Aggregate possession limit.* The maximum number, lawfully taken in the United States, permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the specified geographic areas in which taking and possession occurs.

(n) *Personal abode.* One's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

(o) *Commercial preservation facility.* Any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

Subpart C—Taking

§ 10.21 Hunting methods.

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No person shall take migratory game birds:

(a) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: *Provided,* That a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power except in the seaduck area as permitted in Subpart K of this part;

(f) By the use or aid of livestock as a blind or means of concealment.

(g) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl.

(h) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(i) By means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or

(j) By the aid of baiting, or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:

(1) The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(2) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered solely as the result of valid agricultural operations or procedures.

§ 10.22 Closed seasons.

No person shall take migratory game birds during the closed season.

§ 10.23 Shooting hours.

No person shall take migratory game birds except during the hours open to shooting as prescribed in Subpart K of this part.

§ 10.24 Daily limit.

No person shall take in any one day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

§ 10.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit.

Subpart D—Possession

§ 10.31 Prohibited if taken in violation of Subpart C.

No person shall at any time, by any means, or in any manner, possess or have in custody any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

§ 10.32 During closed season.

No person shall possess any freshly killed migratory game birds during the closed season.

§ 10.33 Possession limit.

No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

§ 10.34 Opening day of a season.

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, which ever applies.

§ 10.35 Field possession limit.

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a commercial preservation facility; or (d) a post office; or (e) a common carrier facility.

§ 10.36 Tagging requirement.

No person shall put or leave any migatory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

§ 10.37 Custody of birds of another.

No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by § 10.36.

§ 10.38 Possession of live birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit. No person shall at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

§ 10.39 Termination of possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a commercial preservation facility and consigned for shipment by the Postal Service or a common carrier to some person other than the hunter.

Subpart E—Transportation and Shipment Within the United States

§ 10.41 Prohibited if taken in violation of Subpart C.

No person shall at any time, by any means, or in any manner, transport or ship any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

§ 10.42 Transportation of birds of another.

No person shall transport migratory game birds belonging to another person unless such birds are tagged as required by § 10.36.

§ 10.43 Species identification requirement.

No person shall transport or ship within the United States any migratory game birds, except doves, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported or shipped from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility.

§ 10.44 Marking package or container.

No person shall ship migratory game birds unless the package or container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart F—Exportation

§ 10.51 Prohibited if taken in violation of Subpart C.

No person shall at any time, by any means, or in any manner, export or cause to be exported any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

§ 10.52 Species identification requirement.

No person shall export migratory game birds unless one fully feathered wing remains attached to each such bird while being transported or shipped from the United States and/or any of its possessions to any foreign country.

§ 10.53 Marking package or container.

No person shall export migratory game birds via the postal service or a common carrier unless the package or container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart G—Importations

§ 10.61 Importation limits.

No person shall import during any one calendar week beginning on Sunday migratory game birds in excess of the following importation limits:

(a) *Doves and pigeons.* Not to exceed 25 doves, singly or in the aggregate of all species, and 10 pigeons, singly or in the aggregate of all species from any foreign country.

(b) *Waterfowl.* (1) From any foreign country except Canada, not to exceed 10 ducks, singly or in the aggregate of all species, and 5 geese including brant, singly or in the aggregate of all species.

(2) From Canada, not to exceed the maximum number permitted to be exported by Canadian authorities.

§ 10.62 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported or shipped between the port of entry and the personal abode of the possessor or between the port of entry and a commercial preservation facility.

§ 10.63 Foreign export permits.

No person shall import, possess, transport, or ship any migratory game birds killed in a foreign country unless such birds are accompanied by export permits, tags, or other documentation required by applicable foreign laws or regulations.

§ 10.64 Processing requirement.

No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in § 10.62), drawn, and the head and feet are removed: *Provided*, That this shall not prohibit the importation of legally taken, fully feathered migratory game birds consigned for mounting purposes to a taxidermist who holds a current taxidermist permit issued to him pursuant to § 16.12 of this chapter and who is also licensed by the U.S. Department of Agriculture to decontaminate such birds.

§ 10.65 Marking of package or container.

No person shall import migratory game birds via the Postal Service or a common carrier unless the package or container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart H—Federal, State, and Foreign Law

§ 10.71 Violation of Federal law.

No person shall at any time, by any means or in any manner, take, possess, transport, ship, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any Act of Congress or any regulation issued pursuant thereto.

§ 10.72 Violation of State law.

No person shall at any time, by any means or in any manner, take, possess, transport, ship, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State.

§ 10.73 Violation of foreign law.

No person shall at any time, by any means, or in any manner, import, possess, transport, or ship any migratory bird, or any part, nest, or egg of any such bird taken, bought, sold, transported, shipped, possessed, or exported contrary to any applicable law or regulation of any foreign country, or State or province thereof.

Subpart I—Commercial Preservation Facilities

§ 10.81 Tagging requirement.

No commercial preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 10.36.

§ 10.82 Records required.

No commercial preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained showing (1) the number of each species; (2) the date such birds were received; (3) the name and address of the person from whom such birds were received; (4) the date such birds were disposed of; and (5) the name and address of the person to whom such birds were delivered, or

(b) Destroy any records required to be maintained under this section for period of 1 year following the last entry on the record.

§ 10.83 Inspection of premises.

No commercial preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

Subpart J—Feathers or Skins

§ 10.91 Commercial use of feathers.

Any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses the feathers of migratory waterfowl (wild ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.

§ 10.92 Personal use of feathers or skins.

Any person for his own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

Subpart K—Annual Season, Limit, and Shooting Hour Schedules

§ 10.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) Puerto Rico:

	Doves [1]	Pigeons [1]
Open season dates.[2]	July 15 to Sept. 22, 1972.	July 15 to Sept. 22, 1972.
Daily bag limits.[3]	15 singly or in the aggregate of all permitted species.	8 singly or in the aggregate of all permitted species.
Possession limit.[3]	23 doves and pigeons, singly or in the aggregate of all permitted species.	23 doves and pigeons, singly or in the aggregate of all permitted species.
Shooting hours.	½ hour before sunrise to sunset daily.	

Check commonwealth regulations for additional restrictions.

[1] Only the following species of doves and pigeons may be hunted during the open season: Zenaida dove (Tortola cardosantera); White-winged dove (Tortola alibianca o cubanita); Mourning dove (Tortola rabilarga o rabiche); Scaly-naped pigeon (Paloma turca o torcaz); White-crowned pigeon (Paloma cabeciblanca).

[2] No open season is prescribed for doves and pigeons of any species on Culebra Island or in the Municipality of Cidra, said Municipality being composed of the following wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto.

[3] On Mona Island the daily bag and possession limit on doves and pigeons is 15 singly or in the aggregate of all permitted species.

(b) Puerto Rico:

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limit	4	6	8	8
Possession limit	8	12	16	16
Open season dates [1] [2]	Dec. 2, 1972, to Jan. 30, 1973.			
Shooting hours	One-half hour before sunrise until sunset daily.			

Check commonwealth regulations for additional restrictions.

[1] No open season for waterfowl is prescribed for Culebra Island.

[2] The season on Bahama pintail is closed by commonwealth law.

(c) Virgin Islands:

	Zenaida Doves
Daily bag limit	10.
Possession limit	10.
Open season dates [1]	July 29 to Oct. 6, 1972.
Shooting hours	One-half hour before sunrise until sunset daily.

Check territorial regulations for additional restrictions.

[1] The season is closed on all species of game birds in the Virgin Islands except Zenaida doves.

NOTE: Local names for game birds: Zenaida dove (Zenaida aurita) mountain dove; bridled quail dove (*Geotrygon mystacea*)—Perdiz, Barbara dove (protected). Ground dove (*Columbigallina passerina nigrirostris*)—stone dove, tobacco dove, rola, tortolita (protected).

§§ 10.102–10.121 [Reserved]

Subpart L—Administrative and Miscellaneous Provisions

§ 10.131 Extension of seasons.

Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

§ 10.132 Native use in Alaska.

In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Subpart M—Wildlife Development Areas

§ 10.141 Approval of area development program.

With respect to any lands which have been or may hereafter be acquired by the United States for future use as a migratory bird sanctuary or other wildlife refuge, subject to an outstanding possessory estate, the owner of such outstanding estate may, in accordance with a program for the development of the area and the limitation of shooting during such development period, approved by the Secretary, take such measures as are calculated to maintain and increase the waterfowl population of the area in question, and engage in the shooting of migratory birds within the limitations set forth in the approved program.

§ 10.142 Revocation of program approval.

Approval of any such program may be revoked by the Secretary upon a finding that the terms of such program have been violated by the proponents thereof. Following such revocation, all rights and privileges derived from the existence of an approved area development program shall cease.

§ 10.143 Notice and hearing.

Prior to any determination by the Secretary that the terms of an approved area development program have been or are being violated by the proponent thereof, a notice shall be sent to said proponent specifying the character, time, and locality of the alleged violation and designating a representative of the Secretary with whom the proponent of the program may discuss any controverted issue of fact or interpretation in an effort to reach an amicable agreement of understanding. Thereupon, the said proponent shall cease and desist from the commission of acts specified in such notice for a period of 60 days, or if the case be finally determined during such 60-day period then only until such final determination. If, within 30 days after such notice has been received, no such agreement or understanding is reached then the Secretary may, after allowing such further opportunity for hearing as he deems proper, make and promulgate a final order revoking approval of the development area program. Thereupon, the provisions of § 10.21 shall be fully applicable to the area in question.

The proposed amendment received widespread support and approval. The open hunting seasons on migratory game birds will begin the first of September on some species. To assure adequate time for distribution before the first open season and after due consideration of all comments received, it is determined that for good cause found as set forth above, these amendments shall become effective upon publication in the FEDERAL REGISTER.

Effective date: Effective upon publication in the FEDERAL REGISTER (7–8–72).

E. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 5, 1972.

[FR Doc.72–10477 Filed 7–7–72;8:49 am]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Carlton Pond Waterfowl Production Area, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7–8–72).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MAINE

CARLTON POND WATERFOWL PRODUCTION AREA

Entry is permitted for the purpose of sightseeing, nature observation, photography, and hiking during daylight hours. Trapping, hunting, and fishing are authorized in accordance with State laws and regulations and §§ 31.16, 32.1, and 33.1 of this chapter.

The area, comprising approximately 1,068 acres, is delineated on maps available from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, ME 04619 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1972.

[FR Doc.72–10462 Filed 7–7–72;8:46 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTION, AND CLASSIFICATION OF ECONOMIC UNITS

Reporting Procedures for Institutional and Noninstitutional Providers of Health Services

Subpart B of Part 101 of Chapter 1 of Title 6 of the Code of Federal Regulations is amended in §§ 101.11, 101.13, 101.16, and 101.17 to implement new reporting procedures for institutional and noninstitutional providers of health services and thus replace the interim guidelines set forth in a Cost of Living Council notice published on May 13, 1972 (37 F.R. 9645).

Sections 101.11 and 101.16 are amended and revised to remove institutional and noninstitutional providers of health services from the prenotification requirements of the Council's regulations. Institutional and noninstitutional providers of health services remain subject to all the conditions and procedures prescribed in §§ 300.18 and 300.19 of this title.

Section 101.13 is amended and revised to remove institutional and noninstitutional providers of health services from the reporting requirements of the Council's regulations except for certain institutional and noninstitutional providers of health services which have received an exception from the price adjustment limitations imposed in §§ 300.18 and 300.19 of this title.

Section 101.17 is amended and revised to provide that the reporting requirements of §§ 101.11 and 101.13 are applicable only to those institutional and noninstitutional providers of health services granted an exception.

The Council's action was based upon a recommendation from both the Committee on the Health Services Industry and the Price Commission. The removal of institutional and noninstitutional providers of health services from the prenotification requirements was based upon the fact that adequate controls exist in §§ 300.18 and 300.19.

It was further determined to amend § 101.13 to delete the requirements for the filing of quarterly reports by those firms whose price increases remained within the guidelines set forth by the Price Commission in §§ 300.18 and 300.19, and which did not receive an exception to the guidelines.

Additional assurance of program compliance in the health services industry will be provided by the Department of Health, Education, and Welfare through its Medicare fiscal intermediaries. These intermediaries require certification from health providers that they are operating in accordance with economic stabilization guidelines. Certifications are audited by the Department of Health, Education, and Welfare and cover a substantial majority of the hospitals in the United States.

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

§ 101.11 [Amended]

1. Subpart B is amended and revised in § 101.11 to delete paragraph (a)(3)

and to renumber paragraph (a)(4) as (a)(3).

2. Subpart B is amended and revised in paragraph (a)(2) of § 101.13 to read as follows:

§ 101.13 Price category II firms; reporting requirements.

(a) A price category II firm is:

* * * * *

(2) An institutional or noninstitutional provider of health services (as defined in §§ 300.18 and 300.19 of this title) with annual sales or revenues in excess of $1 million which has received an exception from the Price Commission from the price adjustment limitations imposed in §§ 300.18 and 300.19 of this title.

* * * * *

3. Subpart B is amended and revised in paragraph (f) of § 101.16 to delete subparagraph (2), and to renumber subparagraph (3) as subparagraph (2), and further to add a new paragraph (i), to read as follows:

§ 101.16 Modification of prenotification requirements.

Notwithstanding the provisions of § 101.11 the following price adjustments by price category I firms need not be prenotified:

* * * * *

(i) Price adjustments for institutional or noninstitutional providers of health services subject to the conditions and procedures prescribed in §§ 300.18 and 300.19 of this title.

4. Subpart B is further amended and revised in § 101.17 to make the present text of § 101.17 paragraph (a), and to add a new paragraph (b) to read as follows:

§ 101.17 Modification of reporting requirements.

(a) Notwithstanding the provisions of §§ 101.11 and 101.13, quarterly reports to the Price Commission need not be submitted to the Price Commission by a utility subject to the conditions and procedures prescribed in § 300.16 of this title: *Provided, however,* That any such utility which has not submited quarterly reports pursuant to this section shall submit to the Price Commission such certification as may be required by regulations issued by the Price Commission.

(b) Notwithstanding the provisions of §§ 101.11 and 101.13 and except as otherwise provided in § 101.13(a)(2) and §§ 300.18 and 300.19 of this title, quarterly reports to the Price Commission need not be submitted by an institutional or noninstitutional provider of health services having annual sales or revenues of $50 million or more.

These amendments shall be effective as of June 30, 1972.

DONALD RUMSFELD,
Director, Cost of Living Council.

[FR Doc.72-10483 Filed 7-5-72;3:32 pm]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Clarification of Provisions Regarding Public Utility Prices

The purpose of these amendments to §§ 300.16 and 300.16a of the regulations of the Price Commission is to make certain changes, of a clarifying and perfecting nature, to more closely delineate the intention of the Price Commission.

Paragraph (e)(5) of § 300.16 is revised to eliminate the reference to paragraph (d)(4) of that section, as in effect on January 17, 1972. The reference is circular, in that paragraph (d)(4) as it then existed referred back to certification under paragraph (e), and is therefore unnecessary.

Paragraph (a)(2)(i) of § 300.16a is revised to make it clear that the reference establishing the 1-percent increase threshold for reporting thereunder is intended to apply to a public utility requesting an increase, regardless of the status of its parent firm, if any, if that public utility is a prenotification firm. If the requesting public utility is not a prenotification firm itself, the requirements of paragraph (a)(2)(i) do not apply.

Editorial changes are made in paragraph (a)(2)(ii) of § 300.16a to reflect the changes made in paragraph (a)(2)(i) thereof. Both paragraphs are revised to make it clear that they apply only to final rates.

Paragraph (b) of § 300.16a is revised to insert a definition of the term "Final rate" and the definition of "Interim rate" is moved from paragraph (i) to paragraph (b) so that the two definitions will appear together, for reader convenience.

An editorial change is made in paragraph (i) of § 300.16a to reflect the moving of the definition of "Interim rate."

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

Because the purpose of these amendments is to provide clarification of existing provisions and not to effect any substantial change, 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.

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

Issued in Washington, D.C., on July 3, 1972, by direction of the Commission.

W. DAVID SLAWSON,
General Counsel, Price Commission.

§ 300.16 [Amended]

1. Paragraph (e)(5) of § 300.16 is amended by deleting the reference "(d)(1) through (4)" and inserting the reference "(d)(1) through (3)" in place thereof.

2. Section 300.16a is amended as set forth below.

a. Paragraph (a)(2)(i) of § 300.16a is amended to read as set forth below.

b. The first sentence of paragraph (a)(2)(ii) of § 300.16a is amended to read as set forth below.

c. Paragraph (b) of § 300.16a is amended to read as set forth below.

d. The introductory language and subparagraph (1) of paragraph (i) of § 300.16a are deleted and the material set forth below inserted in place thereof.

§ 300.16a Public utility prices not subject to § 300.16; proposed rules by regulatory agencies for public utility price increases.

(a) * * *

(2) * * *

(i) In the case of a final rate which would cause an increase of more than 1 percent in the aggregate annual revenues of the public utility which requested the increase, the increase must, if that public utility is a prenotification firm, be reported to the Price Commission by the public utility within 3 working days after the date of the decision authorizing the increase and may not be put into effect during the 60-working-day period after the date of that decision unless, at an earlier date, the Commission determines that it complies with § 300.16(d)(2) through (5). During the period it is subject to Commission review, the Commission may take any action authorized by § 300.16(1).

(ii) For final rates, any increase not covered by subdivision (i) of this subparagraph, by a public utility, may be placed in effect according to the terms of the regulatory agency's order or applicable regulations. * * *

(b) *Definitions.* (1) For the purposes of this section:

"Final rate" means any rate that is not interim rate. It includes any rate which at the time it first may be charged is not pending, under the laws and regulations applicable to the regulatory agency concerned, a final determination by that agency. Such a rate is considered to be a final rate even though under those laws and regulations it may later be challenged by that regulatory agency or any other person.

"Interim rate" means an increased rate allowed to go into effect by operation of law, or by action or inaction of a regulatory agency, pending a final determination by that agency on the requested increase. A rate may be an interim rate whether or not it is placed in effect subject to accounting and refund.

(2) The definitions in § 300.16 also apply in this section.

* * * * *

(i) *Interim rates.* (1) *General.* Each public utility that places or continues an interim rate in effect shall comply with the applicable subparagraphs of this paragraph.

* * * * *

[FR Doc.72-10604 Filed 7-7-72;11:29 am]

PART 301—RENT STABILIZATION

Clarification of Eight Percent Ceiling on Certain Rent Increases

The purpose of this amendment to Part 301 of the Price Commission's regulations is to make certain clarifications to § 301.208 thereof, and to reprint the entire section with certain editorial changes.

On June 1, 1972, the Price Commission issued a new § 301.210 of its rent regulations (37 F.R. 10944) which established an 8 percent ceiling on certain rent increases. Section 301.210 was republished on June 8, 1972 (37 F.R. 11473) to make certain clarifying changes. In a general revision of the rent regulations published on July 4, 1972 (37 F.R. 13225) the section was renumbered as § 301.208, without substantive change, except for the deletion of the former last sentence of paragraph (d) relating to the preparation by the lessor of a new lease, it being the opinion of the Commission that the same purpose could be achieved, for the purposes of the section, either by an amendment to the lease, or by a new lease.

Since the publication of the original § 301.210 a question has arisen as to the reasons for the promulgation of the section.

The 8 percent rule was promulgated by the Commission to relieve a problem growing out of the application of the base rent adjustment provisions of the Commission's December 28, 1971, rent regulations (6 CFR 301.206). Pursuant to those provisions, landlords were permitted to "bring to market" as of August 15, 1971, rents which were under long-term leases entered into before May 16, 1971. The Price Commission realized that where 2- and 3-year leases were expiring, there might, in some cases, be larger percentage increases to compensate for the inflationary pressures of the past several years, but it was expected that these inflationary pressures would be modified by the prospective pricing practices of the lessors. Therefore it was assumed by the Commission that lessors would not change their leasing practices. The policy was developed and the regulation was written on this assumption. In many cases, however, lessors did change their leasing practices. They applied the percentage increase derived from the application of § 301.206 of the December 28 regulations but did not give tenants leases of the same or greater duration as the expiring lease. Rather they applied the large percentage increase only to leases of 1 year, or in many cases month-to-month, thus imposing on the tenant a large inflationary increase in rent but denying him the protection of the long-term lease to which he had historically been entitled or, retrospectively, subjecting the lessee to rent increases for costs already recovered. This was particularly true in the Northeast section of the country.

Essentially the intent of the Commission is to require a lessor to give a lessee (new or renewal) either a lease of the same duration as the expiring lease or as an option, a lease of one year or (as explained below) a lease equal to the unexpired portion of the lease entered into by the lessor and lessee before July 1, 1972, if that portion is less than one year, but with an increase over the old lease rent (specified as the rent of May 15, 1971) of not more than 8 percent. Essentially this 8 percent figure is composed of two parts: the 2.5 annual increment provided for by § 301.102(a)(1) and a base rent adjustment of 5.5 percent, which compares roughly to the increase nationally of rents during the period May 25, 1970 through August 15, 1971. (Although the 8 percent figure includes capital improvements begun after May 31, 1972, it was anticipated that there will be very few situations where capital improvements will be involved.) This rule provides equities for both tenants and lessors. The goal of the program is to stabilize rents and to halt yearly large increases in rent. This goal will be achieved under the 8 percent rule by the fact that while some tenants will choose a 1-year 8 percent lease, others will choose the longer-term lease at the higher rent and there will be a balance between the two which should result in a decrease in the amounts of rent collected by the lessor and thereby a stabilization in rents.

In addition to certain very minor changes of an editorial nature this revision contains two further clarifications. The next to the last sentence of paragraph (a) is revised to make it clear that it was the Commission's intention not to have the section apply in any case in which the rent, as otherwise authorized by the regulations, would not be at least 8 percent greater than that charged for the most recent rent payment interval before May 15, 1971. In addition, the revised sentence makes it clear that the section does not apply if the rent being charged or to be charged (excluding increases for taxes, municipal services, certain capital improvements, and increases in property or services) by the lessor under the lease in effect or a new lease is less than 8 percent greater than the rent charged for the most recent rent payment interval before May 15, 1971.

Subparagraph (2) of paragraph (b) is amended by striking out the words "or less" and inserting new language to clarify the intent that the lessee's choices were to be limited to a lease of 1 year, or a lease for a period equal to the unexpired portion of the lease entered into by the lessor and lessee before July 1, 1972, if that portion is less than 1 year.

Because the purpose of this amendment is to provide clarification of a section of the rent stabilization provisions, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

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

In consideration of the foregoing, § 301.208 of Title 6 of the Code of Federal Regulations is revised to read as set forth below, effective July 5, 1972.

Issued in Washington, D.C. on July 7, 1972.

By direction of the Commission.

W. DAVID SLAWSON,
General Counsel,
Price Commission.

§ 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 does not apply in any case in which the monthly rent charged by the lessor, or otherwise authorized under this part, excluding any increases for real estate taxes, allowable municipal service charges, capital improvements began before June 1, 1972, and increases in property or services, is (or will be in the case of any lease entered into after July 1, 1972) less than 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, the amount of 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 current lessee or a new lessee, as the case may be:

(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) As specified by the lessee, a lease of 1 year or a lease for a period equal to the unexpired portion of the lease entered into by the lessor and lessee before July 1, 1972, if that portion is less than 1 year, providing 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) and increases in property or services under § 301.101(a)(4), does not exceed the monthly rent charged for the most recent rent payment interval before May 15, 1971, plus 8 percent. If the lessee elects the option provided by subparagraph (1) of this paragraph, the base rent of the residence shall be the base rent determined under Subpart C of this part. If the lessee elects the option provided by subparagraph (2) of this paragraph, the base rent shall be the rent specified in the lease offered under that subparagraph, less any increases provided by § 301.101(a).

(c) *Effective date of options*—(1) *New lessees.* The term of the lease offered to a new lessee under paragraph (b) 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) *Current lessees.* The term of the lease offered to a current lessee (a lessee with a present right of possession of the residence) under paragraph (b)(1) of this section shall begin on the date specified by the lessor. The term of the lease offered to a current lessee under 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 current lessee had not entered into a lease on the residence during that period, the term of the lease offered under paragraph (b)(2) of this section shall begin on the date the current lease expires. The rent specified in the lease offered to a current lessee under either of those subparagraphs 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.

[FR Doc.72-10643 Filed 7-7-72;12:19 pm]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 3]

BOATING

Water Sanitation

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and 245 DM1 (34 F.R. 13879), it is proposed to amend § 3.17 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of these amendments is to prohibit the dumping or discharge from vessels of waste and refuse within park boundaries, where such park boundaries extend into Great Lakes water areas beyond 1 mile from shore. Additional controls have become necessary to combat water pollution and maintain water quality in areas of the National Park System which include Great Lakes water areas.

In paragraph (a) of § 3.17 which paragraph generally pertains to dumping in fresh waters the phrase "except the Great Lakes" has been deleted. In paragraph (b), which generally pertains to dumping in salt waters the phrase "and in the Great Lakes" has been deleted. In addition, sentences have been reorganized for purposes of clarity and the word "nautical" has been added in paragraph (b) to clarify that the limit is 1 nautical mile in salt waters. Paragraph (c) which requires that all vessels carry a waste receptacle aboard has been deleted since paragraphs (a) and (b) already prohibit dumping.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit comments, suggestions, or objections to the Director, Northeast Region, National Park Service, 143 South Third Street, Philadelphia, PA 19106, within 30 days of the publication of this notice in the FEDERAL REGISTER.

It is proposed that paragraphs (a) and (b) of § 3.17 be revised to read as follows:

§ 3.17 Water sanitation.

(a) In fresh waters, the draining, dumping, or discharging of waste or refuse, including human waste, from any vessel into the waters within the boundaries of any Federal area administered by the National Park Service is prohibited.

(b) In salt water, the draining, dumping, or discharging of waste or refuse, including human waste, from any vessel, into the waters within the boundaries of any Federal area administered by the National Park Service is prohibited within 1 nautical mile from the mean low waterline of the nearest shore.

(c) [Revoked]

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

[FR Doc.72-10461 Filed 7-7-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Proposed Limitation of Handling

Notice is hereby given that the Department is considering proposed further amendment, as hereinafter set forth, of § 928.302 (Papaya Regulation 2; 36 F.R. 23994, 37 F.R. 9557) currently in effect pursuant to the applicable provisions of the marketing agreement and Order No. 928 (7 CFR Part 928) which regulate the handling of papayas grown in Hawaii, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is to amend the existing regulation requirements which apply to papayas shipped to any destination within the State of Hawaii by requiring that, from July 24 through December 31, 1972, such papayas of (1) Hawaii No. 1 grade weigh not less than 14 ounces each or more than 32 ounces, and (2) Hawaii Fancy grade weigh not less than 16 ounces each or more than 32 ounces. Handlers could continue to ship Hawaii No. 2 grade papayas to Hawaiian destinations if such papayas weigh not less than 14 ounces each.

The proposal reflects certain marketing problems which have their genesis in the seasonally larger size of Hawaiian papayas. Problems in the form of misleading consumer advertising, unfair competition, and disruptive market pricing occur because Hawaiian papayas meeting the quality requirements of Hawaii No. 1 grade but larger than 32 ounces each, i.e. Extra large size, are commonly advertised and marketed simply as Hawaii No. 1 grade with no designation of size. The potential exists for a similar situation involving Hawaii fancy grade papayas unless the same restrictions as to individual weight are applied. The extra large size papayas are much less desirable to consumers as shown by the fact that advertised prices for Hawaii No. 1 grade papayas of that size are usually below the price levels for Hawaii No. 2 grade papayas. Thus the proposed requirements would clarify the market situation by assuring all members of the trade and public that papayas advertised and sold in Hawaii as Hawaii No. 1 or fancy grade would be no larger than large size (32 ounces). It would also remove the present price-depressing effect that Hawaii No. 1 grade papayas larger than 32 ounces each have upon the prices of papayas of such grade in the 14 to 32 ounce size range since no size differentiation is commonly specified by the trade. Under the amendment, papayas meeting the requirements of Hawaii No. 1 grade other than for maximum size could be shipped to export market outlets if they possessed pyriform shape or they could be handled as Hawaii No. 2 grade within the production area.

The proposed amendment is as follows:

§ 928.302 Papaya Regulation 2.

(a) *Order.* * * *

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 2 and are of a size which individually weigh not less than 14 ounces: *Provided,* That said papayas handled (i) as Hawaii No. 1 grade shall be of a size which individually weigh not less than 14 ounces or more than 32 ounces, or (ii) as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces or more than 32 ounces.

* * * * *

All persons who desire to submit written data, views, or arguments, for consideration in connection with the proposed regulation 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 10th 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)).

Dated: July 5, 1972.

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

[FR Doc.72-10491 Filed 7-7-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148i]

[DESI 11048]

ANTIPERSPIRANTS AND DEODORANTS CONTAINING NEOMYCIN SULFATE

Announcement and Proposed Revocation of Provisions for Certification; Drugs for Human Use; Drug Efficacy Study Implementation

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

Preparations containing aluminum chlorohydroxide complex in combination with neomycin sulfate:

1. Deocin Deodorant-Antiperspirant Lotion; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 11-048).

2. Top Brass Roll-On Deodorant; Revlon, Inc., 767 Fifth Avenue, New York, N.Y. 10022 (NDA 60-762).

3. Hi and Dri Antiperspirant Roll-On Deodorant; Revlon, Inc. (NDA 60-762).

4. Hi and Dri Cream Deodorant; Revlon, Inc. (NDA 60-761).

5. Neomycin Antiperspirant Lotion; Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 11-805).

6. Biodorant Roll-On Deodorant; Helena Rubinstein Laboratories Inc., Northern Boulevard, Greenvale, Long Island, N.Y. 11548 (NDA 61-165).

The Food and Drug Administration concludes that, although these preparations may be effective antiperspirants or deodorants, the inclusion of neomycin sulfate in such products which are intended for repeated use is not justified in view of the known sensitization action of neomycin and the likelihood of the development of resistant bacterial strains, especially staphylococci. Consequently, there is a lack of substantial evidence that the effectiveness of such combinations is sufficient to warrant their use in view of the known risks involved.

Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended to revoke such combinations from the list of drugs acceptable for certification.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 148i by revoking the following sections: § 148i.30 *Neomycin sulfate (commercial grade)-aluminum chlorohydroxide cream deodorant;* § 148i.30a *Neomycin chlorohydroxide deodorant lotion; neomycin sulfate (commercial grade)-aluminum chlorohydroxide-aluminum chloride deodorant lotion;* § 148i.30b *Neomycin sulfate-aluminum chlorohydroxide deodorant lotion; and* § 148i.31 *Neomycin sulfate (commercial grade).*

It is also proposed that all antibiotic certificates issued under the above regulations be revoked.

Interested persons may, within 30 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 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10449 Filed 7-7-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-18; Notice 2]

TIRES FOR VEHICLES OTHER THAN PASSENGER CARS

Proposed Motor Vehicle Safety Standard

This notice sets forth a revised proposal for a new standard on tires for vehicles other than passenger cars. A previous notice of proposed rule making on this subject was published on August 5, 1971 (36 F.R. 14392).

The comments received in response to the previous notice of proposed rule making have led to several major changes in the standard as presently envisioned by this agency. In addition, review of the available data has led the NHTSA to the tentative determination that incorporation into the standard of industry "tire tables," with maximum load ratings, inflation pressures, and dimension factors for each tire size, would be unnecessary, administratively cumbersome, and unduly restrictive of industrial innovation. The standard is hereby reproposed, therefore, to allow further comment.

The tire and rim industry associations in various parts of the world presently publish extensive tire tables, as mentioned above. These tables inform the sellers and users of tires of the capabilities of the various types and sizes of tires, a useful function which the NHTSA expects to be continued. The key factors on which the performance requirements in the safety standard are to be based are the maximum load rating of the tire, and its "load range," essentially equivalent to a ply rating. These data would be permanently labeled on the tire itself. For the purposes of high speed, strength, and endurance tests, the basic information is thus available without resort to manufacturer's or association tables.

The only important potential problem that is presently envisioned by this agency if the tables are not incorporated into the standard is the possibility that tires would be sold with maximum load ratings below those published for their size designation, with users failing to note their lower load-carrying capacity. The standard as now proposed would accordingly require the maximum load rating of a tire to be not less than the published rating (if any) in an association table for that size designation. If there were two or more differing maximum load ratings for a given tire size designation, the lowest published rating would constitute the minimum for the purposes of the standard. The standard would not, however, require a manufacturer to use a tire size designation in a published association table.

Another function currently performed by association publications is the matching of tires and rims. The proposed standard would require each tire to meet its performance tests when mounted on a rim with any configuration shown as appropriate for that tire size designation in an association table or, alternatively, in a publication issued by the tire manufacturer and distributed to dealers, to the public on request, and to this agency. In case of conflict, the latter type of publication would prevail over an association table. In essence, the standard would allow manufacturers to continue to use association tables as they presently do for tire-rim matching, while allowing a manufacturer to deviate from an association scheme if he wishes. Allowing such deviation is necessary to avoid placing final regulatory power in a private organization. The August 5, 1971, proposal would have required tire manufacturers who wished to deviate from an association table to label each tire with the designations of nonmatching rims. The proposal was strongly objected to by the industry as ineffective and difficult to control. The distribution of a manufacturer publication appears to be the best method by which to permit deviation by individual manufacturers.

This proposal utilized a new concept, a "model rim," which conforms to published dimensions of a production rim, includes an air valve assembly, is designed to subject a tire to the test requirements of applicable motor vehicle safety standards, and undergoes no deformation and allows no loss of air through it when used to test a tire according to the standard. This concept would allow the test practice whereby a specified rim configuration is mounted on a strong test housing to eliminate the possibility of rim failure during the tire test. It also, by specifying no loss of air as a matter of definition, simplifies the procedure of the standard and

makes it clear that measured air loss must be attributable to the tire being tested. The procedure proposed in the August 5 notice, to test production rims against production tires, was found impracticable since it would probably be difficult in marginal cases to determine whether failure is attributable to performance of the tire or of the rim. A testing agency could, if it desired, use a production rim for testing, if it insured that the rim and valve assembly conformed substantially to the conditions of the definition.

The present proposal does not include requirements for physical dimensions. The associations presently perform a standardization function by dimensional specifications associated with each tire size designation, and under the proposal they could of course continue to do so. Upon consideration of the factors involved, however, it does not appear at this time that physical dimensions are in themselves significant to tire safety. The load-bearing and strength characteristics of a tire are measured by the three types of performance tests in the standard, based on the manufacturer's maximum load rating. This agency believes it preferable to allow manufacturers to exercise their own discretion in designing their tires to meet these performance requirements.

The general failure criteria have been altered in this proposal from those in the August 5 proposal, based in part on comments received on that notice and on another notice proposing an amendment to Standard 109 (36 F.R. 9666, May 27, 1971). The proposed language is that there shall be no displacement of any portion of the tire from its design position, including partial or complete separation of any portion or component of the tire from any other portion or component, except for the exposure of chafer fabric and surface cracking that does not expose ply cord or belt cord. Cracks in a tread groove, however, must not exceed three-sixteenths of an inch in length. Comments to the previous proposals objected to the broadness of the language, arguing that surface cracking that does not expose ply cord is a normal phenomenon without safety implications. The present language would except such cracking ("surface separation") from the failure criteria.

The air loss aspect of the test has also been modified. On the basis of comments received and a review of agency testing experience, it has been determined that the air loss measurement at the end of a 2-hour cooling period is unnecessary. The 2-hour waiting period contributes materially to testing expense, and tires that lose air significantly generally can be detected at the end of the test run. The requirement has therefore been modified to read that the air pressure at the end of the test shall be not less than 95 percent of the initial pressure. This modification also has the advantage of allowing immediate inspection of the tire at the end of the test, while it is hot, when failures such as blistering of the liner (a "separation") are most easily detected.

An objection was raised in comments to the August 5 proposal to the requirements of the strength test, to the effect that a tire should be considered as having passed the requirements of the test if the plunger "bottoms out," rather than averaging the bottomed-out energy value with the other values resulting from the test procedure. This test, however, has been in effect for passenger car tires in Standard No. 109 since January 1, 1968; it is a well established and proven industry test that has been used for many years. The NHTSA considers that no sufficient reason has been shown for altering this test, and it is retained in this proposal.

Comments also contained arguments to the effect that the high speed test should only apply to motorcycle tires, since trailer, light-truck, and similar tires are related to heavy-duty truck tires which are not subject to the test. This agency disagrees. A wide variety of lighter non-passenger-car tires are used at high speeds virtually to the same extent as passenger car tires and the high speed test is designed to require safe performance at these speeds. In the present proposal, the high speed test is applied to tires of the four lightest construction classes: Load ranges A, B, C, and D.

The tire marking requirements have been modified somewhat in this proposal. The word "radial" would be required on radial tires, in light of the generally acknowledged hazard of improper mixing of radial and nonradial tires on the same axle. The wording of the maximum load and inflation figures has been changed to include the word "cold" after the inflation pressure, to reflect more accurately the proper use of the figures. Some comments suggested that the verbal descriptions of limited-use tires, such as "City," "City-Suburban," or "Intermittent Service," be used instead of speed restrictions. The NHTSA position, however, is that quantitative speed restrictions are more directly informative to users and less subject to misunderstanding than the verbal phrases, and the requirement is retained in this proposal. The industry is free, of course, to continue to use the other terms in addition as it wishes. Some comments objected to the requirement for the actual number of plies. That requirement is retained because it is specifically mandated by section 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1421).

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on August 25, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rule making is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on July 3, 1972.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

MOTOR VEHICLE SAFETY STANDARD NO. 119

TIRES FOR VEHICLES OTHER THAN PASSENGER CARS

S1. *Scope.* This standard establishes performance and marking requirements for tires for use on motor vehicles other than passenger cars.

S2. *Purpose.* The purpose of this standard is to provide safe operational performance levels for tires used on motor vehicles other than passenger cars, and to have information marked on the tires sufficient for their proper selection and use.

S3. *Application.* This standard applies to new pneumatic tires for use on multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles manufactured after 1948.

S4. *Definitions.*

S4.1 All terms defined in the Act and the rules and standards issued under its authority are used as defined therein.

S4.2 "Model rim" means a test device that (a) conforms to the published dimensions of a commercially available rim, (b) includes an air valve assembly when used for testing tubeless tires, and (c) when a tire is properly mounted on it and subjected to a test specified in a motor vehicle safety standard, undergoes no permanent deformation and allows no loss of air through the portion that it comprises of the tire-rim pressure chamber.

S5. *Tire and rim matching information.*

S5.1 Each manufacturer of tires shall insure that information is provided to the public concerning the rims that may be used with each of the tires that he produces in one of the following forms:

(a) Described by manufacturer or brand name in a document furnished to dealers of the manufacturer's products, to any person upon request, and in duplicate to: Tire Division, National Highway

Traffic Safety Administration, Washington, D.C. 20590; or

(b) Contained in publications, current at the time of manufacture of the tires, of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Organization.
Japanese Industrial Standards.
Deutsche Industrie Norm.
The Society of Motor Manufacturers & Traders, Ltd.
British Standards Institution.
Scandinavian Tire and Rim Organization.

S5.2 Information contained in a publication as specified in S5.1(b) relating to general categories of tires and rims by size designation, type of construction, and/or intended use, shall be considered to be manufacturer's information pursuant to S5.1 for all products within the categories, unless the publication itself or specific information provided according to S5.1(a) indicates otherwise.

S6. *Requirements.* Each tire shall be capable of meeting any of the applicable requirements set forth below, when mounted on a model rim corresponding to any rim designated for use with the tire in accordance with S5. However, a particular tire need not meet further requirements after having been subjected to, and having met the requirements of, either the endurance test (S7.1), the strength test (S7.2), or the high speed performance test (S7.3).

S6.1 *Endurance.* After completion of the endurance test specified in S7.1—

(a) There shall be no displacement of any portion of the tire from its design position, including partial or complete separation of any portion or component of the tire from any other portion or component, except for the exposure of chafer fabric and surface cracking that does not expose ply cord or belt cord. However, no crack in a tread groove shall in any case exceed three-sixteenths of an inch in length.

(b) The tire pressure at the end of the test shall be not less than 95 percent of the initial pressure specified in S7.1(a).

S6.2 *Strength.* When tested in accordance with S7.2, the tire's average breaking energy value shall be not less than the applicable value specified in Table II.

S6.3 *High speed performance.* When tested in accordance with the high speed performance test specified in S7.3, the tire shall meet the requirements set forth in S6.1 (a) and (b). However, this requirement applies only to tires of load ranges, A, B, C, or D.

S6.4 *Tread wear indicators.* The tire shall have at least six tread wear indicators, spaced approximately equally around the circumference of the tire. The indicators shall enable a person inspecting the tire to determine visually whether the tire has worn to a depth, in the case of any tire except a motorcycle tire, of one-sixteenth of an inch, and in the case of a motorcycle tire, of one thirty-second of an inch. The indicators shall, as a minimum, show tread wear—

(a) At points on the tread not more than one-fourth of the tread width from the edge of the tread; and

(b) At points not farther from the tread centerline than the shortest distance of a tread groove from the centerline. For the purpose of this requirement, "tread groove" means any tread opening or space between raised tread elements, regardless of direction or configuration.

S6.5 *Tire marking.* The tire shall be marked on each sidewall, except as otherwise specified, between the maximum section width (exclusive of sidewall decoration or curb ribs) and the bead, with the information specified in (a) through (j) below. The marking shall be raised above or sunk below the tire surface not less than 0.020 inch and not more than 0.040 inch. For recreational, boat, baggage and special trailer tires, the markings need appear only on one sidewall.

(a) The symbol DOT, which shall constitute a certification that the tire conforms to applicable Federal motor vehicle safety standards. This symbol need be shown only on one sidewall.

(b) The tire identification number required by Part 574 of this chapter. This number need be shown only on one sidewall.

(c) The tire size designation.

(d) The maximum load rating and inflation pressure of the tire, shown as follows:

Tires rated for single and dual load

Maximum load single _____ lbs. at _____ p.s.i. cold.
Maximum load dual _____ lbs. at _____ p.s.i. cold.

Tires rated only for single load

Maximum load _____ lbs. at _____ p.s.i. cold.

(e) The speed restriction of the tire, if any, by the words:

Max. speed _____ m.p.h.

(f) The actual number of plies and the composition of the ply cord material in the sidewall, and, if different, in the tread area.

(g) The words "tubeless" or "tube type," as applicable.

(h) The word "regroovable," if the tire is designed for regrooving.

(i) The word "radial," if a radial tire.

(j) The letter designating the tire load range.

S6.6 *Maximum load rating.* If the maximum load rating for a particular tire size designation is shown in one or more of the publications described in S5.1(b), each tire of that size designation shall have a maximum load rating that is not less than the published maximum load rating, or if there are differing published ratings for the same tire size designation, not less than the lowest published maximum load rating for the size designation.

S7. *Test procedures.* For testing of tube-type tires under S7.1, 7.2, and 7.3, an appropriate new tube, tube valve and flap (where required) assembly that allows no loss of air shall be used.

S7.1 *Endurance.* (a) Mount the tire on a model rim and inflate it to the inflation pressure corresponding to the maximum load as marked on the tire (use maximum single load value when the tire is marked with both single and dual maximum loads).

(b) Condition the tire-rim assembly at an ambient temperature of 100° F. for at least 3 hours.

(c) Readjust the tire pressure to that specified in (a) immediately before testing.

(d) Mount the tire-rim assembly on an axle and press it against a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the tread width of the tire.

(e) During the tests, including the pressure measurements, maintain the temperature of the ambient air at 100° F.

(f) Apply the applicable test loads and rotate the test wheel at the indicated speeds in Table III, conducting each successive phase of the test without interruption.

(g) Immediately after running the tire the required time, measure the tire inflation pressure.

S7.2 *Strength.* (a) Mount the tire on a model rim and inflate it to the pressure corresponding to the maximum load or maximum dual load where there is both a single and dual load marked on the tire.

(b) Condition the tire-rim assembly at an ambient temperature of 70° F. for at least 3 hours.

(c) Readjust the tire pressure to that specified in (a).

(d) Force a cylindrical steel plunger, with a hemispherical end and of the diameter specified in Table I for the tire, perpendicularly into a raised tread element as near as possible to the centerline of the tread, at a rate of 2 inches per minute, until the tire breaks or the plunger is stopped by the rim.

(e) Record the force and the distance of penetration just before the tire breaks, or if it fails to break, just before the plunger is stopped by the rim.

(f) Repeat the plunger application at 72° intervals around the circumference of the tire, until five measurements are made. If the tire is tubeless and breaks before the fifth plunger application, remove it from the rim, insert a tube that will allow no loss of air during the remainder of the test, remount the tire-tube assembly on the rim, and reinflate it according to steps (a) through (c).

(g) Compute the breaking energy for each test point by the following formula:

$$W=\frac{FP}{2}$$

where
W=Breaking energy,
F=Force in pounds, and
P=Penetration in inches.

(h) Determine the average breaking energy value for the tire by computing the average of the five values obtained in accordance with (g).

S7.3 *High speed performance.* (a) Perform steps (a) through (e) of S7.1.

(b) Apply a load of 88 percent of the maximum load rating for single-tire use, and rotate the test wheel at 250 r.p.m. for 2 hours.

(c) Remove the load, allow the tire to cool to 100° F., and then readjust the pressure to that marked on the tire for single-tire use.

(a) Reapply the same load, and without interruption or readjustment of inflation pressure, rotate the test wheel at 375 r.p.m. for 30 minutes, then at 400 r.p.m. for 30 minutes, and then at 425 r.p.m. for 30 minutes.

(e) Immediately after running the tire the required time, measure the tire inflation pressure.

TABLE I—STRENGTH TEST PLUNGER DIAMETER

Tire type:	*Plunger diameter (inches)*
Light truck	3/4
Motorcycle	5/16
Tires for 12-inch or smaller rims, except motorcycle	3/4
Tires other than the above types:	
Tubeless:	
17.5-inch or smaller rims	3/4
Larger than 17.5-inch rims:	
Load range F or less	1 1/4
Load range over F	1 1/2
Tube type:	
Load range F or less	1 1/4
Load range over F	1 1/2

TABLE II—MINIMUM STATIC BREAKING ENERGY (INCH-POUNDS)

Plunger diameter	5/16 Inch	3/4 Inch		1 1/4 Inch		1 1/2 Inch	
Tire type	Motorcycle	12-inch or smaller rim	All other	Tubetype	Tubeless	Tubetype	Tubeless
Load range							
A	150	600	2000				
B	300	1200	2600				
C		1800	3200	6800	5100		
D		2400	4550	7900	6500		
E		3000	5100	12500	8600		
F		3600	5700	15800	12500		
G			6300			20200	15000
H			6800			23000	18500
J						25000	19500
L						27000	
M						28500	
N						30000	

For rayon cord tires, applicable energy values are 60 percent of those in table.

TABLE III—ENDURANCE TEST SCHEDULE

Description	Load range	Test wheel speed (r.p.m.)	Test load: Percent of maximum load rating I 7 hours	II 16 hours	III 24 hours	Total test revolutions (thousands)
Speed—Restricted service						
55 m.p.h.		125	66	84	101	352.5
50 m.p.h.	C, D	150	75	97	114	423.0
	E, F, G, H, J	125	66	84	101	352.5
35 m.p.h.		75	66	84	101	211.5
Motorcycle	All	250	[1] 100	[2] 108	117	510.0
Tires for 12-inch or smaller rim (except motorcycle).	B, C, D	250	75	97	114	705.0
	E	200	70	88	106	564.0
All other	A, B, C, D	250	75	97	114	705.0
	E	200	70	88	106	564.0
	F	200	66	84	101	564.0
	G	175	66	84	101	493.5
	H, J, L, N	150	66	84	101	423.0

[1] 4 hours.
[2] 6 hours.

[FR Doc.72-10411 Filed 7-7-72;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Interest in Nonbanking Activities; Withdrawal of Proposed Rule Making

By notice of proposed rule making published in the FEDERAL REGISTER on September 14, 1971 (36 F.R. 18427), the Board of Governors proposed to add to the list of activities that it has determined to be closely related to banking or managing or controlling banks (§ 225.4 (a) of Regulation Y) the following: "Performing property management services." A public hearing on this proposal was held on January 26, 1972, after a notice thereof was published in the FEDERAL REGISTER on December 29, 1971 (36 F.R. 25166).

After consideration of the record of the hearing and the written comments submitted, the Board has determined that property management services are not closely related to banking or managing or controlling banks. In addition, the possible benefits to the public from adoption of the proposal, such as greater convenience, increased competition, or gains in efficiency, are outweighed, in the Board's opinion, by the possible adverse effects, such as unfair competition, conflicts of interests, and unsound banking practices. Accordingly, the September 14, 1971, proposal is hereby withdrawn.

The Board's action is not intended to limit the authority presently conferred by statute or regulation on bank holding companies and their subsidiaries to engage in certain property management activities. Accordingly, bank holding companies and their subsidiaries may continue to engage in property management activities with respect to the following types of property:

(a) Properties held in a fiduciary capacity.

(b) Properties owned by the holding company or its subsidiaries for conducting its own bank and bank related operations.

(c) Properties acquired by the holding company or a subsidiary as a result of a default on a loan.

By order of the Board of Governors, June 29, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-10441 Filed 7-7-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Parts 101-26, 101-33, 101-43]

USE OF GOVERNMENT SUPPLY SOURCES BY GRANTEES

Extension of Time for Filing Comments

On June 1, 1972 (37 F.R. 10959), the General Services Administration (GSA) published a notice that consideration was being given to the adoption of revised rules prohibiting the use of GSA and other Government sources of supply by recipients of Federal grants. Interested persons were invited to submit written data, views, or arguments regarding the proposed revision to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, within 30 days after publication of the notice in the FEDERAL REGISTER.

In view of the wide publicity this notice has received and in order that interested parties may be afforded sufficient time to submit comments to GSA, written data, views, or arguments regarding the proposed revisions will be accepted by GSA through July 31, 1972.

This notice is published pursuant to section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Dated: July 7, 1972.

M. S. MEEKER,
Commissioner.

[FR Doc.72-10609 Filed 7-7-72;10:27 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DEFORMED CONCRETE REINFORCING BARS OF NONALLOY STEEL FROM MEXICO

Antidumping Proceeding Notice

On June 8, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that deformed concrete reinforcing bars of nonalloy steel from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

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

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

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

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

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

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

Approved: July 5, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-10599 Filed 7-7-72;9:14 am]

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Davenport, Kenneth Alexander, 1132 19 Avenue, Apartment C, Seattle, WA, convicted on March 15, 1949, in the Superior Court, county of Los Angeles, Calif.

Day, John Paul, 467 South Broad Street, Mobile, AL, convicted on September 4, 1947, in the Criminal Court of Records at Panama City, Fla., June 11, 1953, in the Circuit Court of Montgomery, Ala., August 13, 1954, in the U.S. District Court, Northern Division, in Montgomery, Ala., and on April 23, 1963, in the Orleans Parish District Court, New Orleans, La.

Dean, Robert Edward, 6081 Walker Drive, Troy, MI, convicted on October 5, 1950, in the Circuit Court for the county of Oakland, Mich.

Dunne, Richard DeLafayette, 4631 Babcock Way SE., Salem, OR, convicted on February 19, 1963, in the Harney County Circuit Court, Oregon.

Essig, Irvin M., 1429 Halgren Road, Maple Plain, MN, convicted on October 8, 1963, in the Circuit Court of the State of Oregon for Douglas County.

Galipeau, Theodore Matthew, 213 Gage Street, Bennington, VT, convicted on January 11, 1946, in the Municipal Court, Bennington, Vt.

Green, Michael Axel, 152 Stone Way, Woodland, CA, convicted on August 29, 1969, in the Justice Court of Woodland Judicial District, county of Yolo, State of California.

Hall, Alfred Roosevelt, 15835 Princeton Street, Detroit, MI, convicted on October 20, 1960, in the Recorder's Court for the city of Detroit, Mich.

Hall, Donald Louis, 1749 Northeast Oneal Way, Redmond, OR, convicted on February 13, 1967, in the Christian Circuit Court in and for the county of Christian, Commonwealth of Kentucky.

Harmon, Clifford Martin, 3914 South 117 Street, Seattle, WA, convicted on March 28, 1952, in the Superior Court of Washington in and for King County.

Harris, Clifford Lee, Route 2, Stuart, Va., convicted on February 8, 1965, in the U.S. District Court, Western District of Virginia, Danville, Va.

Heneghen, James Patrick, 1220 Ledwich Street, Yakima, WA, convicted on September 12, 1961, in the Superior Court of the State of Washington in and for Yakima County.

Johnson, Herman, 2949 McClellan, Detroit, MI, convicted on January 3, 1947, in the Recorder's Court, Detroit, Mich.; and on March 25, 1937, in the Douglas County District Court, Omaha, Nebr.

Johnson, Jesse Eugene, 19681 Crandell Court, Belleville, MI, convicted on April 23, 1963, in the U.S. District Court for the Eastern District of Kentucky.

Jones, Ben Felix, Route 5, Box 157, Vicksburg, MS, convicted on May 18, 1959, in the U.S. District Court, Southern District of Mississippi.

Lowe, Kevin Clark, Sr., Box 287, Route 10, Baltimore, MD, convicted on December 3, 1951, and on May 10, 1952, in Baltimore City Municipal Court; and on January 20, 1960, in the Baltimore County Court, Towson, Md.

Welker, John James, 114 West Garfield Street, Seattle, WA, convicted on October 1, 1969, in the Superior Court of the State of Washington for Snohomish County.

Walton, Harmon, 4114 South Howard, Kerman, CA, convicted on February 11, 1952, in the Superior Court of the State of California, County of Kings, Hanford, Calif.

Young, James Matt, Jenson, Ky., convicted on April 4, 1955, in the U.S. District Court, Eastern District of Kentucky.

Signed at Washington, D.C., this 14th day of June 1972.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division.

[FR Doc.72-10485 Filed 7-7-72;8:50 am]

Office of the Secretary

[Treasury Dept. Order 221-1]

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS; ACTING DIRECTOR ET AL.

Delegation of Authority

Effective July 1, 1972, I hereby designate the following named individuals to act in the Bureau of Alcohol, Tobacco, and Firearms in the positions indicated:

Acting Director, Rex D. Davis.
Acting Deputy Director, John L. West.
Acting Assistant Director, John T. Caulfield (Criminal Enforcement).

Dated: June 30, 1972.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-10471 Filed 7-7-72;8:46 am]

[Treasury Dept. Order 107, Rev. 15]

AUTHORITY TO AFFIX SEAL

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190 (Revised), it is hereby ordered that:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733 (b):

(a) In the Office of Central Services, Office of the Secretary:

(1) Director, Office of Central Services.

(2) Chief, Communications and Personal Property Division.
(3) Chief, Printing and Reproduction Division.
(4) Chief, Records Management Branch.
(5) Chief, Directives Control and Distribution Section.
(b) In the Internal Revenue Service:
(1) Commissioner of Internal Revenue.
(2) Assistant Commissioner (Compliance) and Deputy Assistant Commissioner (Compliance).
(3) Chief, Disclosure Staff, Office of Assistant Commissioner (Compliance).
(c) In the Bureau of Customs:
(1) Commissioner of Customs.
(2) Deputy Commissioner of Customs.
(3) Assistant Commissioner of Customs (Administration).
(4) Assistant Commissioner of Customs (Investigations).
(5) Assistant Commissioner of Customs (Operations).
(6) Assistant Commissioner of Customs (Regulations and Rulings).
(d) In the Bureau of the Public Debt:
(1) Commissioner of the Public Debt.
(2) Deputy Commissioner in Charge of the Chicago Office.
(3) Assistant Deputy Commissioner in Charge of the Chicago Office.
(e) In the Bureau of Alcohol, Tobacco and Firearms:
(1) Director.
(2) Deputy Directors.
(3) Regional Directors.
(4) Assistant Director (Criminal Enforcement).
(5) Chief, Firearms and Explosives Division.
(6) Chief, Firearms Branch, Firearms and Explosives Division.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this order.

3. The Director of Central Services, the Commissioner of Internal Revenue, the Commissioner of the Public Debt, and the Director, Bureau of Alcohol, Tobacco and Firearms are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Treasury Department Order No. 107 (Revision No. 14) is superseded.

Dated: June 30, 1972.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc. 72-10472 Filed 7-7-72; 8:46 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

CIVIL ADMINISTRATION OF WAKE ISLAND

Agreement With the Department of the Interior

This agreement is entered into by and between the U.S. Department of the Interior (hereafter Interior), and the Department of the Air Force (hereafter Air Force), pursuant to authority contained in Executive Order No. 11048, September 4, 1962.

Whereas the Secretary of the Interior is vested with executive and legislative authority necessary for the civil administration of Wake Island and all judicial authority respecting that island other than that contained in the Act of June 15, 1950 (64 Stat. 217), as amended, and

Whereas the Air Force has primary use, jurisdiction, control, and responsibility and interest in the facilities on Wake Island;

Now, therefore, in consideration of the above, Interior and Air Force hereby covenant and agree as follows:

(a) *Exercise of authority.* All executive, legislative, and judicial authority for the civil administration of Wake Island, now or hereafter vested by law in the Secretary of the Interior, shall be exercised by such person or persons (which shall include a position or positions) as may be designated by the Secretary of the Air Force.

(b) *Rules and regulations.* All authority invested by law in Interior to make necessary rules and regulations for the orderly maintenance and the civil administration of Wake Island shall be exercised by the person or persons designated pursuant to paragraph (a).

(c) *Reports.* The Air Force shall submit annual reports to Interior outlining the rules and regulations adopted pursuant to this agreement and covering administrative action with respect to such rules and regulations.

(d) *Funding.* The Air Force assumes responsibility for the administration of Wake Island and assumes the necessary funding obligations for such purposes, subject to arrangements it may make with Department of Transportation or other Government agencies. It is further agreed that the administration of and operation on Wake Island shall be without expense to Interior, except that expenses incurred by Interior in discharging functions not delegated pursuant to this agreement shall be at Interior's expense.

(e) *Facilities.* The Air Force has exclusive responsibility for all matters relating to the operation, maintenance, improvement, and administration over all facilities, structures, and equipment on Wake Island, which are or may hereafter become the property of Air Force. It is hereby agreed that Interior will take no action that may be in derogation of this authority, and no action or directive of Interior will be construed to be in derogation of this authority.

(f) *Support.* Interior will provide such assistance to Air Force as may be mutually agreed upon in the future.

(g) *Law enforcement.* Interior and Air Force shall cooperate to obtain the appointment of persons to such positions as U.S. Magistrate and Deputy U.S. Marshal, and to other positions as may be necessary at Wake Island not within the appointing authority of Interior or Air Force.

(h) *Duration.* This agreement shall become effective June 24, 1972, and shall continue in force until terminated by mutual agreement. This agreement may be renewed or modified thereafter, as Interior and Air Force may mutually agree.

ROGERS C. B. MORTON,
Secretary of the Interior.
JUNE 13, 1972.

ROBERT C. SEAMANS, Jr.,
Secretary of the Air Force.
JUNE 19, 1972.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.72-10437 Filed 7-7-72;8:47 am]

[Secretary of Air Force Order 111.2]

GENERAL COUNSEL OF THE AIR FORCE

Delegation of Authority Regarding Civil Administration of Wake Island

1. Section 48 of the Act of July 12, 1960, 74 Stat. 424, Public Law 86-624 (Hawaii Omnibus Act) provides that until such time as Congress directs otherwise, the civil administration, including the executive, legislative, and judicial authority, with certain exceptions, shall be vested in such person as the President of the United States may direct or authorize. Executive Order 11048 directs that the Secretary of the Interior shall be responsible for civil administration, but provides that it may be exercised through such agency or agencies in or out of the Department of the Interior as may be agreed upon by the Secretary and the agency or employees involved. By agreement between the Department of the Air Force and the Department of the Interior, these powers have been vested in the Secretary of the Air Force, to be exercised by such person or persons as he may direct.

2. Authority for civil administration of Wake Island in accordance with the Air Force-Interior agreement is hereby delegated to the General Counsel of the Air Force. This authority does not extend to military command or operational or support matters, which shall be governed by law and Air Force regulations the same as at any other base.

3. The General Counsel will approve all amendments to the Wake Island Code.

4. The Air Force commander on Wake Island, by whatever title he may be known, shall act as agent for the General Counsel in the civil administration of the Island, to the extent authorized by the Wake Island Code and such implementing instructions as may be issued by the General Counsel.

5. The General Counsel shall be responsible for furnishing reports to the Secretary of the Interior as provided by the Air Force-Interior agreement.

6. This order is issued in accordance with Air Force Regulation 11-18, dated July 18, 1963, subject: "Delegating or Assigning Statutory Authority."

ROBERT C. SEAMANS, Jr.,
Secretary of the Air Force.

JUNE 19, 1972.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.72-10438 Filed 7-7-72;8:47 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

SCHEDULES OF CONTROLLED SUBSTANCES

Petition To Control Tobacco Under the Comprehensive Drug Abuse Prevention and Control Act

On May 22, 1972, the Bureau of Narcotics and Dangerous Drugs received a petition for the initiation of proceedings to control tobacco (Nicotiana Tabacum L.) under Schedule I of the Comprehensive Drug Abuse Prevention and Control

Act of 1970 (Public Law 91–513). The petitioner is Woodrow A. Wallen of Seattle, Wash.

This petition was filed pursuant to the provisions of section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 811(a)) which provides in part—

> Proceedings for the issuance, amendment, or repeal of such rules may be initiated by the Attorney General (1) on his own motion, (2) at the request of the Secretary, or (3) on the petition of any interested party.

In his petition, the petitioner states that:

> It is petitioners [sic] position, that the nonsmoking public is severely imposed upon by public smoking, and that the effects of public smoking have adverse effects on the health of nonsmokers.

The Director has determined that the petitioner has failed to demonstrate a direct personal stake in the outcome of the action proposed in his petition. In short, the petitioner has not established standing so as to require any action on his petition by the Bureau of Narcotics and Dangerous Drugs. Moreover, even had standing been established, Congress has specifically excluded "tobacco" from the definition of what may be considered a "controlled substance" (21 U.S.C. 802(6)).

For the above reasons the petition filed by Woodrow A. Wallen is denied in all respects.

This denial is effective upon the date of its publication in the FEDERAL REGISTER (7–8–72).

Dated: July 5, 1972.

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

[FR Doc.72–10603 Filed 7–7–72;10:05 am]

DEPARTMENT OF THE INTERIOR

National Park Service

POINT REYES NATIONAL SEASHORE

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Jackglo, Inc., authorizing it to provide concession facilities and services for the public at Point Reyes National Seashore, for a period of approximately ten (10) years from date of execution through December 31, 1982.

The foregoing concessioner has performed its obligations under the expiring authorization to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the authorization and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Date: June 27, 1972.

LAWRENCE C. HADLEY,
Assistant Director, National Park Service.

[FR Doc.72–10460 Filed 7–7–72;8:46 am]

Office of the Secretary

CIVIL ADMINISTRATION OF WAKE ISLAND

Agreement With the Department of Defense

CROSS REFERENCE: For a document regarding an agreement between the Departments of Defense and Interior, concerning the civil administration of Wake Island, see F.R. Doc. 72–10437, Department of Defense, Department of the Air Force, *supra*.

DEPARTMENT OF COMMERCE

Economic Development Administration

NATIONAL PUBLIC ADVISORY COMMITTEE ON REGIONAL ECONOMIC DEVELOPMENT

Notice of Meeting

The purpose of the National Public Advisory Committee on Regional Economic Development, as stated in its charter is, "The * * * Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary (of Commerce) relative to the carrying out of his duties under this Act (Public Works and Economic Development Act of 1965, as amended, Public Law 89–136)."

Notice is hereby given that a meeting of the National Public Advisory Committee on Regional Economic Development will take place on July 18, 1972, at 9 a.m. in the Yorktown Room, Washington Plaza Hotel, Seattle, Wash., and on July 19, 1972, 9 a.m. at the Lummi Indian Reservation, Marietta, Wash. For a meeting agenda see appendix.

The Committee is composed of 25 members representing labor, management, agriculture, State and local governments, and the public in general.

There will be a reasonable number of seats available for individuals who wish to attend the morning and afternoon sessions of the meeting at the Washington Plaza Hotel.

Public participation is not anticipated.

The Committee's guidance and control officer is the Honorable Robert A. Podesta, Assistant Secretary of Commerce for Economic Development, 14th and Constitution Avenue, Washington, D.C. 20230.

This notice shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 6, 1972.

ROBERT A. PODESTA,
Assistant Secretary for Economic Development.

APPENDIX

AGENDA

Tuesday, July 18, 1972

9 a.m., opening remarks:
Robert A. Podesta, Assistant Secretary of Commerce for Economic Development.
J. W. Van Gorkom, Chairman.

9:15 a.m., presentation:
"The Seattle-King County Economic Development Council."
D. E. Skinner, President.
William H. Ostenson, Executive Director.

10:45 a.m., recess.

11 a.m., presentation:
"The Central Puget Sound Economic Development District."
Frank Randall, Chairman.
Gerald B. Skutt, Executive Director.

12:30 p.m., luncheon: Address by the Honorable Daniel J. Evans, Governor of the State of Washington.

2 p.m., presentation: Don Wales report on his survey of Economic Development Districts.

3 p.m., discussion of New EDA Programs.

4:30 p.m., recess.

7 p.m., dinner.

Wednesday, July 19, 1972

8 a.m., tour of Lummi Indian Aquaculture Project in Marietta, Wash.

3 p.m., adjournment upon return to Seattle.

[FR Doc.72–10549 Filed 7–7–72;8:51 am]

Office of Import Programs

ST. JOSEPH'S HOSPITAL, RESEARCH LABORATORY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER. Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at

the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00602-00-46040. Applicant: St. Joseph's Hospital, Research Laboratory, 3001 West Buffalo Avenue, Tampa, FL 33607. Article: Electrical exposure shutter with equipment for exposure measurement. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory for an existing electron microscope which is being used in the study of the ultrastructure of various types of cancer cells and tumor viruses and in the training of medical students in this field of research. Application received by Commissioner of Customs: June 1, 1972.

Docket No. 72-00603-33-46070. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, NY 14214. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to carry out sophisticated and detailed studies of metallic, nonmetallic and biological materials. Specific projects will include:

1. Large strain rate deformation of materials.
2. Surface integrity studies of high strength alloys.
3. Stress corrosion sensitivity of engineering surfaces of commercial alloys.
4. Friction and wear behavior of cast irons.
5. Studies in Process Metallurgy: Gas-solid reactions and solidification of two component alloys.
6. Effect of topography and heterogeneity on wetting of solids by liquids.
7. Calcified tissue research.
8. Drug release rates of spansules.

The article will also be used for educational purposes in graduate and undergraduate level courses, including nontechnical people in health services. Application received by Commissioner of Customs: June 1, 1972.

Docket No. 72-00604-01-68495. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: He^3 pumping package. Manufacturer: Alcatel Vacuum Technics, France. Intended use of article: The article is intended to be used to facilitate operation of a polarized proton target in an experiment to be performed at Brookhaven National Laboratory. In this experiment the resultant asymmetries in the scattering of K^+, K mesons and antiprotons will be measured when the direction of polarization is reversed. Application received by Commissioner of Customs: June 1, 1972.

Docket No. 72-00605-00-77040. Applicant: University of Illinois at Urbana, Champaign, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Ion probe and scan control unit. Manufacturer: A.E.I. Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article is intended to be used as an accessory to an existing mass spectrometer being used in support of graduate research. This research includes crystal structure, diffusion of atoms and ions, superconductivity, properties of liquid helium, semiconductors, high pressure phenomena, crystal defects and radiation damage, magnetic properties including electron and nuclear magnetic resonance, optical properties including infrared, far ultraviolet absorption and Raman scattering, mechanical properties, phase transformations, properties of thin films, and recrystallization of glasses. Application received by Commissioner of Customs: June 1, 1972.

Docket No. 72-00609-00-46040. Applicant: University of Chicago, Department of Biophysics, 1160 East 55th Street, Chicago, IL 60615. Article: 70 mm. rollfilm camera. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope which will enable more precise recording of high resolution micrographs of terrestrial and extraterrestrial materials, as well as a wide variety of biological specimens. Application received by Commissioner of Customs: June 5, 1972.

Docket No. 72-00610-33-46040. Applicant: University of Florida, College of Medicine, Department of Ophthalmology, Gainesville, Fla. 32601. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in ultrastructural studies of human cornea to resolve the corneal lamellae and viruses associated with human disease and ultrastructural studies of the Canal of Schlemm and trabecular meshwork in human eyes from both autopsy and biopsy samples to correlate ultrastructure with physiology or diseased states. The article will also be used for training purposes in the courses: Topics in Opthalmology Research MED 600 series and Special Topics in Pathology MED 646. The students will become familiar with the operation of the instrument along with other techniques and procedures such as tissue culture, microsurgical techniques, immunological techniques, research virology, techniques in genetics, perfusion techniques and general research design. Application received by Commissioner of Customs: June 5, 1972.

Docket No. 72-00612-00-61800. Applicant: Columbia Museum of Art Commission, 1519 Senate Street, Columbia, SC 29201. Article: Planetarium projector, Model MS-10. Manufacturer: Minolta Camera Co., Japan. Intended use of article: The article is intended to be used together with the control console to demonstrate astronomical phenomena (related to astronomical and for navigational sciences as the course subject may require) and also allow student participation and involvement. The curriculum oriented program and teacher training will include: Astronomy III, Astronomy 112, Physical Science 22, planetarium classes grades 1 through 12, enrichment classes for junior and senior high school students, and astronomy workshops for teachers. In addition, the article will be used in the implementation of regular scheduled public demonstrations and community astronomy classes. Application received by Commissioner of Customs: June 6, 1972.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-10473 Filed 7-7-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12462]

CERTAIN ANTIDIARRHEAL PREPARATIONS CONTAINING DIPHENOXYLATE HYDROCHLORIDE AND ATROPINE SULFATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Lomotil Tablets (NDA 12-462) and Lomotil Liquid (NDA 12-699), both containing diphenoxylate hydrochloride and atropine sulfate; marketed by G. D. Searle & Co., Post Office Box 5110, Chicago, Illinois 60680.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that diphenoxylate hydrochloride with atropine sulfate preparations are effective for use as adjunctive therapy in the management of diarrhea.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* Diphenoxylate hydrochloride with atropine sulfate preparations are in tablet or liquid form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

As adjunctive therapy in the management of diarrhea.

3. *Marketing status.* Marketing of such drugs may be continued under the con-

ditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1) (i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application to include biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12462, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 27, 1972.

SAM D. FINE,
Associate Commisisoner for Compliance.

[FR Doc.72-10457 Filed 7-7-72;8:48 am]

[DESI 10598]

ANTIEMETIC COMBINATION PREPARATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Bendectin Tablets containing dicyclomine hydrochloride, doxylamine succinate, and pyridoxine hydrochloride; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 10-598).

This drug is regarded as a new drug (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this preparation is possibly effective for nausea and vomiting of pregnancy.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for six months as described in paragraphs (d), (e), and (f) of the notice Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 10598, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 27, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10455 Filed 7-7-72;8:48 am]

[DESI 12152]

CERTAIN ANTIHISTAMINE-CONTAINING DRUG CONTAINING CHLORPHENIRAMINE MALEATE, PHENYLPROPANOLAMINE HYDROCHLORIDE, AND ISOPROPAMIDE IODIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for oral use:

Ornade Spansules (sustained release capsules) containing chlorpheniramine maleate, phenylpropanolamine hydrochloride, and isopropamide iodide; Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 12-152).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. This drug is possibly effective for relief of upper respiratory tract congestion and hypersecretion associated with vasomotor rhinitis and allergic rhinitis, and for prolonged effect.

2. The drug lacks substantial evidence of effectiveness for relief of nasal congestion and hypersecretion associated with: the common cold; sinusitis (acute, subacute and chronic); influenza; and postnasal drip.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new drug application for which a drug is classified in paragraph A. 2. above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A. 2. above. Failure to delete such indications and put the revised labeling into use within 60

days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12152, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 27, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10456 Filed 7-7-72;8:48 am]

[DESI 4084]

CERTAIN OTC BRONCHODILATORS AND ANTIASTHMATIC PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

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

The following OTC bronchodilators and antiasthmatic drugs are included in this announcement:

1. Enofen Tablets containing phenobarbital, theophylline, and ephedrine sulfate; Kremers-Urban Co., 5600 West County Line Road, Mequon, Wis. 53201 (NDA 4-084).

2. Tedral and Tedral Half Strength Enteric Coated Tablets containing phenobarbital, theophylline, and ephedrine hydrochloride; Warner-Chilcott Laboratories, Div. Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 4-508).

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

1. Enofen tablets containing phenobarbital, theophylline, and ephedrine sulfate.

PANEL ON DRUGS USED IN ALLERGY

Indication: Bronchial asthma.
Evaluation: Effective, but * * *.
Comments: Oral ephedrine in 25-mg. dosage is an effective drug in bronchial asthma, and phenobarbital is a useful additive to counteract the excitatory effects of ephedrine. Oral theophylline in the hydrous form, however, is absorbed irregularly, and is of doubtful value in this combination. Although there is no direct available published evidence on blood levels after oral theophylline (hydrous), it seems unlikely, by analogy with other theophylline compounds, that this dose will produce therapeutically useful blood levels of theophylline.

This indication was reevaluated as possibly effective with the following additional comment:

However, in view of recent evidence that the inhibitory effect of theophylline on phosphodiesterase may supplement the adenylcyclase-stimulating action of sympathomimetics in inhibiting mediator release in immediate hypersensitivity, it is possible that the theophylline could act synergistically with ephedrine at dosage levels not in themselves effective. However, this has not been shown clinically.

General comments: The insert should warn that some patients develop acute urinary retention as a side effect of ephedrine. This occurs most commonly in men with prostatic hypertrophy, but it has been reported to occur in some women as well.

PANEL ON DRUGS USED IN RESPIRATORY DISTURBANCES

Indication: Bronchial asthma.
Evaluation: Effective, but * * * (Subsequently reevaluated as possibly effective.)
Comments: There is no evidence that this product is more effective than ephedrine alone. Theophylline is probably ineffective at the dosage suggested.

The Panel objects to the inclusion of phenobarbital in this product. If sedation is necessary in the management of a patient with severe asthma or emphysema, it should be given independently of other medications so that the effects and side effects of each can be individaully controlled. However, combinations of ephedrine and phenobarbital are often useful in patients with mild episodic asthma.

2. Tedral and Tedral Half Strength Enteric Coated Tablets containing phenobarbital, theophylline, and ephedrine hydrochloride.

PANEL ON DRUGS USED IN ALLERGY

Indication: Bronchial asthma.
Evaluation: Possibly effective.
Comments: Oral ephedrine in 25-mg. dosage is an effective drug in bronchial asthma, and phenobarbital is a useful additive to counteract the excitatory effects of ephedrine. Oral theophylline (hydrous) is absorbed irregularly, and is of doubtful value in this combination. The properties of enteric coating are not well documented, and if delayed absorption results from the enteric coating, effective levels of ephedrine may not be attained.

Indication: Hay fever.
Evaluation: Possibly effective.
Comments: The Panel fails to discern the rationale for giving theophylline in hay fever.

PANEL ON DRUGS USED IN RESPIRATORY DISTURBANCES

Indication: Bronchial asthma.
Evaluation: Possibly effective.
Comments: The properties of this specific product have not been defined. Because of the enteric coating of this product, suitable clinical studies must be done to establish its efficacy. If absorption of the ingredients is not hindered, the effectiveness of the product would be due to the ephedrine, because oral theophylline is probably ineffective at the dosage suggested.

The Panel objects to the inclusion of phenobarbital in this product when it is used in patients with severe asthma. If sedation is necessary in the management of a patient with asthma, it should be given independently of other medications so that the effects and side effects of each can be individually controlled. However, combinations of ephedrine and phenobarbital are often useful in patients with mild episodic asthma.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 4084, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-14050 Filed 7-7-72;8:47 am]

[DESI 1205]

CERTAIN OTC COLD REMEDIES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. The Academy's reports constitute an important element of the totality of information considered by the Administration in reaching its conclusions concerning the effectiveness of drugs in the Drug Efficacy Study and the marketing

status of such drugs under the Federal Food, Drug, and Cosmetic Act.

It is recognized that, although the over-the-counter drug products reviewed by the Academy are relatively few in number, they are representative of many such preparations on the market—preparations which are identical, similar, or related, and competitive. Although some of the other marketed articles differ qualitatively and/or quantitatively and some bear labeling claims different from those reviewed by the Academy, they generally contain ingredients which are of the same pharmacologic class as those reviewed by the Academy. Therefore, questions raised by the Academy about the drugs they reviewed are applicable to related or identical drugs not under review, and the Academy's ratings may be applicable as well.

It is recognized that new evidence of effectiveness may have become available since 1966 when the then-existing evidence was submitted to the Academy for review. It is also known that for many drugs substantial evidence in support of at least some of their recommended uses is not available.

The need for review of all over-the-counter drugs by class for safety, effectiveness, and adequate labeling has become apparent. The undertaking of a major study of these drugs by the Administration with the assistance of advisory committees was announced in the FEDERAL REGISTER, May 11, 1972. To facilitate the development of a consistent policy for each class of OTC drugs and to insure equitable treatment of all firms marketing competitive over-the-counter drugs, further implementation of the Drug Efficacy Study as it pertains to the OTC drugs listed here and related OTC drugs is deferred pending the results of the OTC study. (See "Over-the-Counter Drugs" 37 F.R. 7807, a proposal describing the status of OTC drugs reviewed under the Drug Efficacy Study.)

However, in order to make available to interested persons the opinions of the Drug Efficacy Study Group of the National Academy of Sciences-National Research Council, their evaluation and comment on each drug are set forth below.

The following OTC drugs are included in this announcement:

1. Isophrin Nose Drop Solution containing phenylephrine hydrochloride; Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 16A).

2. Propadrine Hydrochloride Elixir containing phenylpropanolamine hydrochloride; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 1–205).

3. Privine Hydrochloride Nasal Jelly, Nasal Solution, and Nasal Spray containing naphazoline hydrochloride; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901 (NDA 5–070).

4. Tuamine Inhaler containing tuaminoheptane and menthol, Eli Lilly and Co., Post Office Box 618, Indianapolis, Inc. 46205 (NDA 5–172).

5. Tagathen Tablets containing chlorothen citrate, Lederle Laboratories, Division American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 6–331).

6. Histadyl and A.S.A. Compound Pulvules containing methapyrilene hydroxybenzoyl benzoate, aspirin, phenacetin and caffeine; Eli Lilly and Co. (NDA 6–340).

7. Benzedrex Inhaler containing propylhexadrine and menthol; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 6–410).

8. Decapryn with Aspirin, Phenacetin, and Caffeine Tablets containing doxylamine succinate, aspirin, phenacetin, and caffeine; Merrell-National Laboratories, Division of Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 6–412).

9. Forthane Inhaler containing methylhexaneamine; Eli Lilly & Co. (NDA 6–444).

10. Antistine-Privine Nasal Solution containing antazoline hydrochloride and naphazoline hydrochloride; Ciba Pharmaceutical Co. (NDA 6–456).

11. Wyamine Inhaler containing mephentermine and menthol; Wyeth Laboratories, Division of American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 6–569).

12. Wyamine Sulfate Nasal Solution containing mephentermine sulfate; Wyeth Laboratories (NDA 6–652).

13. Clopane Hydrochloride Solution containing cyclopentamine hydrochloride; Eli Lilly and Co. (NDA 6–666).

14. Coricidin Cold Tablets containing chlorpheniramine maleate, aspirin and caffeine; Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 6–921).

15. Thephorin-AC Tablets containing phenindamine tartrate, aspirin, phenacetin and caffeine; Roche Laboratories, Division of Hoffmann-La Roche Inc., 340 Kingsland Avenue, Nutley, N.J. 07110 (NDA 7–026).

16. Vasoxyl Nasal Solution & Spray containing methoxamine hydrochloride; Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 7–239).

17. Bena-Fedrin Solution containing diphenhydramine hydrochloride and ephedrine hydrochloride; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 7–652).

18. Inhiston-APC Tablets containing pheniramine maleate, aspirin, phenacetin and caffeine; Pharmaco/Sardo Products, Division Plough, Inc., 3022 Jackson Avenue, Memphis, Tenn. 38101 (NDA 7–812).

19. Bristamin APC Tablets containing phenyltoloxamine citrate, aspirin, phenacetin and caffeine; Bristol Laboratories, Inc., Division of Bristol-Myers Co., Thompson Road, Post Office Box 657, Syracuse, N.Y. 13201 (NDA 8–828).

20. Phenylpropanolamine Hydrochloride Nyscap Timed Release Capsule; Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 10–789).

21. Fedrazil Tablets containing chlorcyclizine hydrochloride and pseudoephedrine hydrochloride; Burroughs Wellcome Co. (NDA 11–876).

22. Nasalaire Inhaler containing isocyclamine, Isodine Pharmacal Corp., Division of International Latex Corp., Dover, Del. 19901 (NDA 12–094).

23. Quadrin Tablets containing acetaminophen, phenyltoloxamine citrate, and phenylpropanolamine hydrochloride; The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815 (NDA 12–207).

24. Contac Sustained Release Capsules containing chlorpheniramine maleate, phenylpropanolamine hydrochloride, atropine sulfate, scopolamine hydrobromide, and hyoscyamine sulfate; Menley & James Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 12–686).

25. Chlorephrine Nyscaps containing chlorpheniramine maleate and phenylephrine hydrochloride; Nysco Laboratories, Inc., (NDA 12–755).

26. Tri-Span 12-Hour Decongestant Tablets containing acetaminophen, pyrilamine maleate, caffeine, ephedrine sulfate, and phenylpropanolamine hydrochloride; Vick Chemical Co., Division of Richardson-Merrell Inc., 122 East 42d Street, New York, N.Y. 10017 (NDA 12–849).

27. Ampar Timed Release Capsules containing chlorpheniramine maleate and phenylephrine hydrochloride; United Pharmaceuticals, Inc., 1064 44th Avenue, Oakland, Calif. 94601 (NDA 13–397).

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group, Panel on Drugs for Relief of Pain, made the following General Statements on Analgesic Preparations, which are applicable to any of these products that make analgesic claims.

GENERAL STATEMENTS ON ANALGESIC PREPARATIONS

EVIDENCE FOR GENERAL ANALGESIC EFFECT

It is the recommendation of the Panel that, when a drug has been shown to be an effective analgesic in several different kinds of clinical pain, by suitably controlled trials using modern criteria, such a drug be entitled to consideration as an "all-purpose analgesic" unless special considerations indicate that this is not appropriate. In such cases, it would seem desirable to allow the drug to be marketed for the relief of most kinds of pain, thus avoiding the necessity for listing specific conditions.

ANALGESIC MIXTURES

There is increasing evidence, which has accumulated particularly within the past few years, that it is not always easy to predict the effects of adding one drug to another. Thus, drugs may merely summate in their activities, antagonize each other, or produce true potentiation. Since adequate trials on the relative efficacy of single drugs and mixtures are usually unavailable, it is hard for the Panel to be both fair and scientific in the evaluation of many of the mixtures which it has been asked to review.

Furthermore, some ingredients appear to have been added to these mixtures on the basis of a rationale that is not evident to the Panel. On other occasions, the rationale

seems evident, but the reason for the particular doses chosen (especially those which seem homeopathic) is not clear.

In addition to the well-known objections that fixed-ratio mixtures do not allow flexibility in the doses of individual ingredients, one can object to many analgesic mixtures because they contribute little additional therapeutic benefit while increasing the risks of side effects, allergic sensitization, etc. One can perhaps justify the use of some of these mixtures when pain is present with some other symptom, such as a stuffy nose, and both symptoms can be handled reasonably well by the mixture. However, to promote such a mixture as an all-purpose remedy for all kinds of pain, including those which cannot possibly be aided by one or more of the ingredients, is, in the view of the Panel, to encourage bad therapeutics.

SEMANTIC CONFUSION

The words "synergism" and "potentiation" are subject to multiple interpretations, even among professional pharmacologists. It would seem desirable to avoid their use, focusing instead on a description of what actually was achieved in the clinical setting. The word "potency" also has different meanings to different persons. If one is talking simply about milligram potency, this is actually a trivial matter in the clinical setting and, therefore, the term "potency" should probably be avoided.

IRRELEVANT INFORMATION

Many package inserts contain material of no relevance to most practitioners. For example, the animal data are often not helpful, and are not always clearly identifiable as such. This material often seems to be used as a substitute for clinical data. Also irrelevant and not particularly helpful to the reader is a long list of clinical testimonials, only some of which bear on the points at issue, and most of which are uninterpretable because of defects in clinical design.

DRUG DEPENDENCE AND ABUSE

The following statement is proposed to bring uniformity to the claims made concerning the dependence-producing properties of narcotic analgesics and preparations containing narcotic analgesics. It is recognized that many of the claims concerning a lesser dependence-producing liability of specific narcotic analgesics reflect the fact that the particular agents are not commonly abused. However, it must also be recognized that the actual abuse rates do not accurately reflect dependence-producing potential. It is known that agents and preparations that have not been commonly abused in some social settings at some times, have been extensively abused in other settings at other times.

One of the major purposes of the existing laws and regulations concerning narcotic analgesics is to prevent abuse. Therefore, all agents that have been shown to produce morphine-like physiologic and subjective changes when administered chronically, that will produce morphine-like dependence, or that will substitute for morphine in morphine-dependent subjects, shall carry the following recommended warning:

(Name of agent) can produce dependence of the morphine type and therefore has the potential for being abused.

The only exceptions to this recommendation are substances specifically exempted from bearing the label "Warning—may be habit forming" required by Federal law or regulation.

RIGID DOSE RECOMMENDATIONS

The Panel believes that doctors should not be bound legally by dose recommendations in package inserts. These recommendations represent advice as to the dose at which most patients can be started, and the range at which the needs of most patients can be met. However, it is good practice to manipulate the dose in the event of a therapeutic failure, or in the event of untoward effects. Furthermore, tolerance to a drug may develop, and may require an increase in dose. It is the Panel's observation that some of the recommended doses are too low.

DEFICIENCIES OF METHODOLOGY

There is a need for additional methodology for the study of pain. Thus, for example, there is a paucity of information available on the comparative effects of analgesics given repeatedly to patients with chronic pain. The result with single doses may or may not be transferable to such situations. Another area of deficiency is the evaluation of topical ointments that produce obvious sensations of cooling or warmth. Such limitations in methodology should be kept in mind by the Food and Drug Administration when evaluating data on drugs, both old and new.

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

1. Isophrin Nose Drop Solution containing phenylephrine hydrochloride. This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Symptomatic relief (of nasal congestion) in colds, sinusitis, and hay fever.
Evaluation: Effective.
Comments: None.
General comments: The insert should warn that prolonged or excessive use of this product may result in rebound nasal congestion.
It should be noted that use of the 1.0 percent solution may result in a high incidence of side effects.

2. Propadrine Hydrochloride Elixir containing phenylpropanolamine hydrochloride.

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

Indication: Hay fever and allergic rhinitis.
Evaluation: Probably effective.
Comments: The Panel believes that this product is effective, but adequately controlled clinical studies have not been presented.

3. Privine Hydrochloride Nasal Jelly, Nasal Solution, and Nasal Spray containing naphazoline hydrochloride.

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

Indication: Relief of nasal congestion, as in colds, sinusitis, and hay fever.
Evaluation: Probably effective.
Comments: In the experience of the Panel, this is an effective product, but adequate documentation has not been provided.

4. Tuamine Inhaler containing tuaminoheptane and menthol.

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

Indication: Relief of nasal congestion.
Evaluation: Possibly effective.
Comments: Data relevant to this mode of administration of this compound have not been presented to the Panel.

5. Tagathen Tablets containing chlorothen citrate.

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

Indication: Temporary relief of nasal congestion, watering of the eyes, running nose and sneezing due to hay fever or rose fever.
Evaluation: Possibly effective.
Comments: Adequate documentation of the clinical effect of this compound at the recommended dose has not been presented to the Panel.

6. Histadyl and A.S.A. Compound Pulvules containing methapyrilene hydroxybenzoyl benzoate, aspirin, phenacetin, and caffeine.

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

Indication: Relief of symptoms of the common cold.
Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed combination).
Comments: It has not been proved that the antihistamine contributes to the relief of these symptoms provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.
General comments: A warning about the dangers of use by aspirin-sensitive patients should be included on the label.

7. Benzedrex Inhaler containing propylhexadrine and menthol.

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

Indication: Temporary relief of nasal congestion in colds and hay fever; also for ear block and pressure pain during air travel.
Evaluation: Probably effective.
Comments: Although the Panel believes that this product is effective, adequately controlled studies supporting its efficacy have not been presented.

8. Decapryn with aspirin, phenacetin and caffeine tablets containing doxylamine succinate, aspirin, phenacetin, and caffeine.

This drug has been evaluated by the following Panels:

a. Panel on Drugs Used in Allergy.
b. Panel on Drugs for Relief of Pain.

PANEL ON DRUGS USED IN ALLERGY

Indication: Temporary relief of minor discomforts associated with the common cold.
Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed combination).
Comments: It has not been proved that the antihistamine contributes to the relief of these symptoms provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.
General comments: A warning about the dangers of use by aspirin-sensitive patients should be included on the label.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: For the temporary relief of minor discomforts associated with the common cold.
Evaluation: Effective, but * * *.
Comments: This combination contains the known analgesic combination, APC, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredient would detract from or add to this effect.

This combination is probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

9. Forthane Inhaler containing methylhexaneamine.

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

Indication: Relief of nasal congestion.

Evaluation: Probably effective.

Comments: In the experience of the Panel, this is an effective product, but adequate documentation has not been provided.

10. Antistine-Privine Nasal Solution containing antazoline hydrochloride and naphazoline hydrochloride.

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

Indication: Symptomatic relief of nasal congestion due to allergic rhinitis; vasomotor rhinitis; acute, subacute or chronic sinusitis.

Evaluation: Probably effective.

Comments: In the experience of the Panel, this is an effective product. However, adequate documentation does not seem to be available.

Indication: The decongestive action of this combination is more intense and prolonged in many instances than that produced by either antihistamine or decongestant solution alone.

Evaluation: Possibly effective.

Comments: The Panel is unaware of any acceptable evidence to support this.

General comments: The insert should warn that prolonged or excessive use of this product may result in rebound nasal congestion.

11. Wyamine Inhaler containing mephentermine and menthol.

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

Indication: Temporary relief of nasal congestion.

Evaluation: Probably effective.

Comments: In the experience of the Panel, this is an effective product. However, adequately controlled studies do not seem to be available.

12. Wyamine Sulfate Nasal Solution containing mephentermine sulfate.

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

Indication: Nasal decongestion in acute or chronic rhinitis, sinusitis, and allergic rhinitis (hay fever and perennial or vasomotor rhinitis).

Evaluation: Probably effective.

Comments: In the experience of the Panel, this is an effective product. However, adequately controlled studies do not seem to be available.

General comments: The labeling should warn that prolonged or excessive use of this product may result in rebound nasal congestion.

13. Clopane Hydrochloride Solution containing cyclopentamine hydrochloride.

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

Indication: Nasal congestion due to hay fever, vasomotor rhinitis, or the common cold, sinusitis; preoperative vasoconstriction of nasal and nasopharyngeal mucosa; and epistaxis due to nasal congestion.

Evaluation: Probably effective.

Comments: This judgment is based on physiologic studies, in the absence of adequate clinical studies.

General comments: The insert should warn that excessive or prolonged use of this product may result in rebound nasal congestion.

14. Coricidin Cold Tablets containing chlorpheniramine maleate, aspirin, and caffeine.

This drug has been evaluated by the following Panels:

a. Panel on Drugs Used in Allergy.

b. Panel on Drugs for Relief of Pain.

PANEL ON DRUGS USED IN ALLERGY

Indication: Symptomatic relief of colds and accompanying aches, pain, fever, and simple headache.

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed combination).

Comments: It has not been proved that the antihistamine contributes to the relief of these symptoms provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

General comments: The presence of aspirin in this combination should be clearly identified and a warning about the dangers of use by aspirin-sensitive patients should be included on the label.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: For symptomatic relief of colds and accompanying aches, pains, fever, and simple headache.

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic aspirin, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredients would detract from or add to this effect.

15. Thephorin-AC Tablets containing phenindamine tartrate, aspirin, phenacetin, and caffeine.

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

Indication: Relief of "cold symptoms."

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed combination).

Comments: It has not been proved that the antihistamine contributes to the relief of these symptoms provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

General comments: A warning about the dangers of use by aspirin-sensitive patients should be included on the label.

16. Vasoxyl nasal solution and spray containing methoxamine hydrochloride.

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

Indication: Temporary relief of nasal congestion.

Evaluation: Probably effective.

Comments: In the experience of the Panel, this is an effective product. However, adequately controlled studies do not seem to be available.

General comments: The labeling should warn that excessive or prolonged use of this product may result in rebound nasal congestion.

17. Bena-fedrin solution containing diphenhydramine hydrochloride, and ephedrine hydrochloride.

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

Indication: Relief of congestion of the mucous membrane of the nose and throat.

Evaluation: Effective, but * * *.

Comments: No data have been presented to the Panel that demonstrate the superiority of this combination to ephedrine alone. No data demonstrating the local effect of the antihistamine have been presented to the Panel, other than some data regarding local anesthetic properties. The usefulness of Chloretone (chlorobutanol) has not been demonstrated.

The potential risk of sensitization to topically applied antihistamines is such that the Panel prefers the oral route. As indicated above, antihistaminic efficacy is not well established for most of these drugs when they are applied directly to the nasal mucosa.

This indication was reevaluated as possibly effective with the following comments:

No data has been presented to the Panel demonstrating benefit in adding antihistamine or Chloretone to the mixture.

The potential risk of sensitization to topically applied antihistamines is such that the Panel feels this is another reason not to use the preparation.

Finally, the label should warn that prolonged or excessive use of this product may result in rebound nasal congestion.

General comments: The label should warn that prolonged or excessive use of this product may result in rebound nasal congestion.

18. Inhiston-APC Tablets containing pheniramine maleate, aspirin, phenacetin, and caffeine.

This drug has been evaluated by the following Panels:

a. Panel on Drugs Used in Allergy.

b. Panel on Drugs for Relief of Pain.

PANEL ON DRUGS USED IN ALLERGY

Indication: Symptomatic relief of colds.

Evaluation: Effective, but * * * (subsequently reevaluated as Ineffective as a fixed combination).

Comments: It has not been proved that the antihistamine contributes to the relief of these symptoms provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no aleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Hay fever.

Evaluation: Possibly effective.

Comments: The APC component probably does not add to the effect of the antihistamine. Pheniramine probably is an effective antihistamine when taken in adequate dosage. The amount of antihistamine present in this product is below that found to be effective in the experience of the Panel.

General comments: A warning about the dangers of use by aspirin-sensitive patients should be included on the label.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: For symptomatic relief of aches, pains, colds, hay fever, and simple headaches.

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic combination, APC, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredient would detract from or add to this effect.

This combination is probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

General comments: Whether the addition of the antihistamine contributes anything additional to the management of the clinical entities of "aches, pains, and simple headache" is not known.

19. Bristamin-APC Tablets containing phenyltoloxamine citrate, aspirin, phenacetin, and caffeine.

This drug has been evaluated by the following Panels:

a. Panel on Drugs Used in Allergy.

b. Panel on Drugs Used in Dentistry.

c. Panel on Drugs for Relief of Pain.

PANEL ON DRUGS USED IN ALLERGY

Indication: Symptomatic relief of colds.

Evaluation: Effective, but * * * (subsequently reevaluated as ineffective as a fixed combination).

Comments: It has not been proved that the antihistamine contributes to the relief of these symptoms provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

General comments: A warning about the dangers of use by aspirin-sensitive patients should be included on the label.

PANEL ON DRUGS USED IN DENTISTRY

Indication: To aid in the relief of pain and discomfort following tooth extraction or other dental work.

Evaluation: Possibly effective.

Comments: There is no question that APC is effective in controlling pain of dental origin. However, the Panel questions the role of phenyltoloxamine in the listed claims, and further questions its low dosage. The Panel feels that the company should substantiate phenyltoloxamine in this dosage as effective in the treatment of the listed conditions.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Pain-relieving compound with antihistamine.

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic combination, APC, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredient, Bristamin, would detract from or add to this effect.

Indication: For relief of discomfort from colds, headaches, minor menstrual and dental pain.

Relieves muscular aches and pains, feverish feeling, headache.

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic, APC, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredient, Bristamin, would detract from or add to this effect.

This combination is probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

General comments: Whether the addition of the antihistamine contributes anything additional to the management of the clinical entities of "aches, pains, and simple headache" is not known.

20. Phenylpropanolamine Hydrochloride Nyscap Timed Release Capsule: This drug has been evaluated by the Panel on Drugs Used in Allergy.

Indication: Relief of nasal congestion due to the common cold.

Evaluation: Possibly effective.

Comments: No data supporting this claim have been presented to the Panel.

Indication: Relief of nasal congestion due to hay fever and nasal stuffiness.

Evaluation: Probably effective.

Comments: Nasal stuffiness is a symptom not a diagnosis.

Indication: Timed release produces prolonged effect.

Evaluation: Possibly effective.

Comments: No data supporting this claim have been presented to the Panel.

21. Fedrazil Tablets containing chlorcyclizine hydrochloride and pseudoephedrine hyrochloride.

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

Indication: Relief of nasal congestion associated with colds.

Evaluation: Possibly effective (subsequently reevaluated as ineffective as a fixed combination).

Comments: There is no evidence that either drug in this combination will accomplish what is claimed. The dose of pseudoephedrine is less than optimal for many adults and it has not been proved to be beneficial for this indication. It has not been proved that the antihistamine contributes to the relief of cold symptoms which is provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Hay fever.

Evaluation: Effective.

Comments: The dose of pseudoephedrine is less than optimal for many adults.

22. Nasalaire Inhaler containing isocyclamine.

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

Indication: For instant relief of nasal congestion accompanying colds, hay fever, sinus trouble, allergies, catarrh, postnasal drip.

Evaluaion: Possibly effective.

Comments: The documenation provided by the manufacturer is inadequate proof of clinical efficacy. The terms "allergies" and "postnasal drip" are insufficiently precise.

General comments: If this product is found to be effective, the labeling should be revised to include adequate instructions for its use. Contraindications and side effects should be mentioned and a warning that prolonged or excessive use of the product may result in rebound nasal congestion should be included.

23. Quadrin Tablets containing acetaminophen, phenyltoloxamine citrate, and phenylpropanolamine hydrochloride.

This drug has been evaluated by the following Panels:

a. Panel on Drugs Used in Allergy.

b. Panel on Drugs for Relief of Pain.

PANEL ON DRUGS USED IN ALLERGY

Indication: Relief of nasal congestion due to common colds and hay fever.

Evaluation: Possibly effective.

Comments: Adequate documentation of these claims has not been supplied. Phenyltoloxamine is a weak antihistamine, in the experience of the Panel, and there is no controlled study supporting its usefulness in colds. Acetaminophen has no effect on nasal congestion known to the Panel, although it is a known analgesic.

No data supporting claims about speed and duration of action have been presented to the Panel.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: New Quadrin's acid-free formula works without aspirin to shut out pain. Quadrin's new analgesic acetaminophen is safer, faster than aspirin.

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic, acetaminophen, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredients would detract from or add to this effect.

The first part of the claim is certainly correct; the compound contains no aspirin. The other claims are questionable. If the manufacturer means that there is less risk of gastrointestinal bleeding, it should say so. The claim that the compound works faster than aspirin is not substantiated by any available evidence.

24. Contac Capsules containing chlorpheniramine maleate, phenylpropanolamine hydrochloride, atropine sulfate, scopolamine hydrobromide, and hyoscyamine sulfate.

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

Indication: Relief of nasal congestion of the common cold.

Evaluation: Possibly effective.

Comments: No supporting data, collected in a controlled fashion, have been presented to the Panel. It is doubtful that the antihistamine is of benefit for the relief of nasal congestion due to the common cold. Several carefully controlled studies, in which different antihistamines were tried, disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

This indication was subsequently reevaluated as ineffective as a fixed combination with the following additional comments:

It has not been proved that the antihistamine contributes to the relief of cold symptoms which is provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds.

Indication: Relief of nasal congestion due to hay fever.

Evaluation: Probably effective.

Comments: The dose recommended would provide much less than the optimal amount of chlorpheniramine for the average adult with hay fever. A dose three times as great was used in the references cited.

The variability in individual responsiveness to belladonna alkaloids makes it unlikely that many patients would get much benefit from the small, fixed dose of these compounds contained in Contac.

Indication: 12-hour effect.

Evaluation: Possibly effective.

Comments: Controlled clinical data supporting the 12-hour action of this product have not been presented to the Panel.

25. *Chlorephrine Nyscaps* containing chlorpheniramine maleate and phenylephrine hydrochloride.

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

Indication: Nasal congestion due to hay fever.
Evaluation: Effective.
Comments: None.
Indication: Nasal congestion due to the common cold.
Evaluation: Possibly effective.
Comments: Adequate evidence supporting this claim has not been presented to the Panel. In addition, it is doubtful whether the antihistamine is of benefit for the relief of symptoms due to the common cold. Several carefully controlled studies, in which different antihistamines were tried, disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.
This indication was subsequently reevaluated as ineffective as a fixed combination with the following additional comments:
Indication: Relief of nasal congestion associated with colds.
There is no evidence that either drug in this combination will accomplish what is claimed. The dose of pseudoephedrine is less than optimal for many adults and it has not been proved to be beneficial for this indication. It has not been proved that the antihistamine contributes to the relief of cold symptoms which is provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds.
Indication: Timed-release capsule.
Evaluation: Effective.
Comments: None.

26. Vicks Tri-Span 12-Hour Decongestant Tablets containing acetaminophen, pyrilamine maleate, caffeine, ephedrine sulfate, and phenylpropanolamine.

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

Indication: Symptomatic relief of nasal congestion due to colds.
Evaluation: Probably effective (subsequently reevaluated as ineffective as a fixed combination).
Comments: Although the acetaminophen and caffeine may provide some relief of "headache, achy feeling of colds," it is doubtful whether they contribute to the relief of nasal congestion, which appears to be the major indication for which this product is sold. The antihistamine may provide some benefit in cases of hay fever, but is probably not of use in colds. No supporting data, collected in a controlled fashion, have been presented to the Panel. It is doubtful whether the antihistamine is of benefit for the relief of nasal congestion due to the common cold. Several carefully controlled studies, in which different antihistamines were tried, disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.
Indication: 12-hour effect.
Evaluation: Possibly effective.
Comments: Controlled clinical data supporting this claim have not been presented to the Panel.
Indication: Symptomatic relief of nasal congestion due to hay fever.
Evaluation: Probably effective.
Comments: None.

27. Ampar Timed Release Capsules containing chlorpheniramine maleate and phenylephrine hydrochloride.

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

Indication: Nasal congestion due to hay fever.
Evaluation: Probably effective.
Comments: Adequate evidence supporting this claim has not been presented to the Panel.
Indication: Nasal congestion due to the common cold.
Evaluation: Possibly effective.
Comments: Adequate evidence supporting this claim has not been presented to the Panel. In addition, it is doubtful whether the antihistamine is of benefit for the relief of symptoms due to the common cold. Several carefully controlled studies, in which different antihistamines were tried, disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.
This indication was subsequently reevaluated as ineffective as a fixed combination with the following additional comments.
There is no evidence that either drug in this combination will accomplish what is claimed. The dose of pseudoephedrine is less than optimal for many adults and it has not been proved to be beneficial for this indication. It has not been proved that the antihistamine contributes to the relief of cold symptoms which is provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds.
Indication: Time-released capsule.
Evaluation: Possibly effective.
Comments: No unequivocal data regarding this property have been submitted to the Panel.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 1205, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR .120).

Dated: June 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10445 Filed 7-7-72;8:47 am]

[DESI 8709]

CERTAIN PARENTERAL DRUGS CONTAINING VERATRUM ALKALOIDS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antihypertensive drugs:

1. Veralba Injection containing protoveratrines A and B; the Dow Chemical Co., 1200 Madison Avenue, Indianapolis, Ind. 46225 (NDA 8–709).

2. Unitensin Aqueous containing cryptenamine acetates; Mallinckrodt Chemical Works, 3600 North Second Street, St. Louis, Mo. 63160 (NDA 8–814).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are effective for short-term use in the treatment of hypertensive crises.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* These veratrum alkaloid preparations are aqueous solutions suitable for parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use and, where applicable, the Academy's comments. The "Indications" sections are as follows:

INDICATIONS

For short-term use in the treatment of hypertensive crises.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug ap-

plication, the submission of an abbreviated new-drug application, as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 8709, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.
Requests for the Academy's Reports: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 27, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10454 Filed 7-7-72;8:48 am]

[DESI 7864]

CERTAIN VAGINAL PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Milibis Suppositories; containing glycobiarsol; marked by Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, New York 10016 (NDA 7-864).

2. Broxolin Vaginal Cream; containing glycobiarsol marketed by Broon Laboratories Inc., subsidiary Sterling Drug, Inc., 90 Park Avenue, New York, New York 10016 (NDA 10-521).

3. Betadine Vaginal Gel; containing providone-iodine; marketed by The Purdue Frederick Co., 99-101 Saw Mill River Road, Yonkers, New York 10701 (NDA 11-754).

4. Redoderlein; containing viable Doderlein Bacilli; marketed by Fellows-Testagar, Inc., Divisicn Fellows Medical Manufacturing Co., 12741 Capital Avenue, Oak Park, Michigan 48237 (NDA 12-730).

5. Balarsen Solution 1 percent and Vaginal Suppositories; containing arsthinol; marketed by Endo Laboratories Inc., 1000 Stewart Avenue, Garden City, Long Island, New York 11533 (NDA 10-612).

6. Balcort Solution and Vaginal Suppositories; containing arsthinol and hydrocortisone; marketed by Endo Laboratories Inc. (NDA 10-612).

7. Baculin Vaginal Tablets; containing diiodohydroxyquin, phenylmercuric acetate, sodium lauryl sulfate, lactose, potassium alum, and papain; marketed by Amfre-Grant, Inc., 924 Rogers Avenue, Brooklyn, New York 11226 (NDA 8-327).

8. Cenasert Tablets and Powder; containing aminacrine undecylenate, *N*-myristyl-3-hydroxybutylamine hydrochloride, methylbenzethonium chloride, and succinic acid; marketed by Central Pharmacal Co., 116-128 East Third Street, Seymour, Indiana 47274 (NDA 12-028).

9. Premarin H-C Vaginal Cream; containing conjugated estrogens and hydrocortisone acetate; marketed by Ayerst Laboratories, Division American Home Products Corp., 685 Third Avenue, New York, New York 10017 (NDA 11-074).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports and concludes that these drugs are possibly effective when labeled for treatment of trichomonal, monilial, or bacterial vaginitis; vaginitis of mixed etiology; nonspecific vaginitis; mycotic infestation of the vagina; senile vaginitis; kraurosis vulvae; urethral caruncles; juvenile vaginitis; labial adhesions in children; or for the alteration of vaginal flora.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273).

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the Academy's report. Communications forwarded in response to this announcement should be identified with the reference number DESI 7864, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 27, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10451 Filed 7-7-72;8:47 am]

[DESI 8451]

COMBINATION DRUGS CONTAINING PAMABROM AND PYRILAMINE MALEATE FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs containing pamabrom and pyrilamine maleate:

1. Neo Bromth Tablets; Brayten Pharmaceutical Co., 1715 West 38th Street, Chattanooga, Tenn. 37409 (NDA 8-451).

2. Neoparbrom Tablets; The Central Pharmacal Co., 116-128 East Third Street, Seymour, Ind. 47274 (NDA 8-613).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are:

1. Possibly effective for premenstrual tension.

2. Lacking substantial evidence of effectiveness for edema of pregnancy.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication

hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 8451, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–10453 Filed 7–7–72;8:48 am]

[DESI 50020]

NEOMYCIN PALMITATE-TRYPSIN-CHYMOTRYPSIN TOPICAL PREPARATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following prescription drug for topical application:

Biozyme Ointment containing neomycin palmitate and trypsin-chymotrypsin concentrate; Armour Pharmaceutical Co., Division, Armour and Co., Post Office Box 511, Kankakee, Ill. 60901.

The Food and Drug Administration concludes that the above listed combination drug for topical administration is possibly effective for the claimed indications for treatment of localized infections or for suppressive therapy in such conditions.

Preparations containing neomycin sulfate in combination with trypsin-chymotrypsin are subject to antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants to obtain and submit data to provide substantial evidence of the effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, such drug labeled with those indications will continue to be accepted for release or certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

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

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

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 50020 directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number) Division of Anti-Infective Drug Products (BD–140), Office of Scientific Evaluation, Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

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

Dated: June 27, 1972.

SAM D. FINE,
Associate Commisioner for Compliance.

[FR Doc.72–10458 Filed 7–7–72;8:48 am]

[DESI 7909]

PREPARATION CONTAINING CARBACRYLAMINE RESINS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for oral use:

Carbo-Resin Powder containing carbacrylamine resin; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 7–909).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. The holder of the NDA has indicated that the preparation is no longer marketed.

A notice was published in the FEDERAL REGISTER of March 18, 1972 (37 F.R. 5711), withdrawing approval of NDA 7–909 on the grounds that reports required under section 505(j) of the Act and §§ 130.13 and 130.35 (e) and (f) of the new drug regulations (21 CFR 130.13 and 130.35) had not been submitted.

Accordingly, this notice is published to inform any person interested in similar or related products of the effectiveness classification of this article. If any related drug for human use, not the subject of an approved new drug application, is being marketed it may be affected by the above classification and be subject to appropriate action.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 7909, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–10452 Filed 7–7–72;8:47 am]

Office of the Secretary

GRANTS ADMINISTRATION ADVISORY COMMITTEE

Notice of Public Meeting Regarding Policies and Procedures

The Grants Administration Advisory Committee, which advises the Secretary on matters relating to administrative and fiscal policies for grants administered by the Department, will meet on July 12–14, 1972, in the Denver Hilton Hotel, Denver, Colo. Daily sessions will begin at 9 a.m. and are open to the public. The agenda covers discussion of current anl pending grant administration policies and procedures within the Department. A roster of committee members may be obtained from Dr. Ernest M. Allen, Deputy Assistant Secretary for Grant Administration Policy, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201.

Dated at Washington, D.C., this 3d day of July 1972.

ERNEST M. ALLEN,
Executive Secretary, Grants Administration Advisory Committee.

[FR Doc.72-10459 Filed 7-7-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 1-8; Notice 8]

RETREADED PNEUMATIC TIRES

Notice of Date for Response To Petitions for Reconsideration

The purpose of this notice is to announce a date by which a response will be issued to the petitions for reconsideration of the amendment to Motor Vehicle Safety Standard No. 117, published March 23, 1972 (Docket No. 1-8, Notice 7; 37 F.R. 5950).

The NHTSA was unable to complete action by June 21, 1972, the date by which action would originally have been taken under the agency's policy on petitions for reconsideration. Action on the above petitions is planned for issuance not later than August 1, 1972.

This notice is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on July 6, 1972.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.72-10588 Filed 7-7-72;8:52 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Environmental Statement by the U.S. Atomic Energy Commission, Directorate of Licensing, for the Surry Power Station, Unit 2," is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Swem Library, College of William and Mary, Williamsburg, Va. 23185. The report is also being made available at the Crater Planning District Commission, 2825 South Crater Road, Post Office Box 1808, Petersburg, VA 23803, and the Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, Va. 23219.

The notice of availability of the draft detailed statement for the Surry Power Station Unit 2 and request for comments from interested persons was published in the FEDERAL REGISTER on March 28, 1972, 37 F.R. 6346. The comments received from Federal agencies and interested persons have been included as appendices to the final statement.

The Director of Regulation has concluded that the actions called for are the continuation of Construction Permit CPPR-44 and the issuance of an operating license for the Surry Power Station Unit 2, subject to certain conditions for protection of the environment set forth in said statement.

Single copies of the statement may be obtained by writing the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 3d day of July 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc.72-10520 Filed 7-7-72;8:50 am]

CIVIL SERVICE COMMISSION

AGRICULTURAL MANAGEMENT SPECIALIST (CITRUS), DEPARTMENT OF AGRICULTURE, KANSAS CITY, MO.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on June 30, 1972, for a single position of Agricultural Management Specialist (Citrus), GS-475-9, Actuarial Division, Federal Crop Insurance Corporation, Department of Agriculture, Kansas City, Mo. The finding is self-canceling when the position is filled.

Assuming other requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-10480 Filed 7-7-72;8:49 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE FEDERATIVE REPUBLIC OF BRAZIL

Entry or Withdrawal from Warehouse for Consumption

JUNE 29, 1972.

Under the bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, the Government of the Federative Republic of Brazil has undertaken to limit its exports of cotton textiles and cotton textile products to the United States to certain designated levels. Pursuant to this agreement, the two Governments have established an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products produced or manufactured in the Federative Republic of Brazil. The purpose of this notice is to announce the implementation of this administrative mechanism.

Effective on the date of publication, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in the Federative Republic of Brazil and exported to the United States from the Federative Republic of Brazil for which that Government has not issued an appropriate export visa, fully described below, will be prohibited. Application of this visa system to cotton textiles and cotton textile products exported from the Federative Republic of Brazil before the date of publication is to become effective sixty (60) days following the date of publication.

The visa will be a stamped marking on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document, or on the commercial invoice when such form is used) and will bear the signature of the official issuing the visa. The officials authorized to issue such visas are the following:

Abel Marcelino do Rosario.
Aluysio Almeida Diniz.
Alvaro de Sa Andrade.
Alvaro Volpe Bacelar.
Amabilino Santin Vidor.
Antonio Pedro de Moraes.
Celso Mario Zipf.
Danilo Octavio de Toledo.
Dario Raphael Tobar.
Dario Silveira Soares.
Eduardo dos Santos Lobo.
Eudes Izar.
Fauzi Rahme.
Francisco Magalhaes.
Fued Farhat.
Geraldo de Souza.
Gilfredo Vieira Lessa.
Henrique Reis Bergan.
Honorio Onofre de Abreu.
Isaac Carneiro da Silva.
Jaire Perez de Vasconcellos.
Jarbas Cezar Loureiro.
Javan Ribeiro da Costa.
Jayme Lobo Ferreira.
Joffre Pereira.
Jose Arthur Boiteux.
Jose Maria Duprat.
Luiz Affonso de Queiroz Lacerda.
Mario Emilio Kreibich.
Mario Jofre Pinto de Freitas.
Nelson Duran Mascia.
Nelson Geraldo Avellar.
Onofre Marques da Silva Junior.
Osvaldo Ladewig.
Roberto Varella.
Rolando Missfeldt.
Rufino Cancio Pires.

A facsimile of the stamp, along with the signatures of the above officials, are published as enclosures to the letter set forth below.

Interested parties are advised to take all necessary steps to assure that cotton textiles and cotton textile products produced or manufactured in the Federative Republic of Brazil which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa requirements.

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 implementing the administrative mechanism.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

THE ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 29, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 14 of the bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on the date of publication of this letter in the FEDERAL REGISTER and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil, for which that Government has not issued an appropriate visa, fully described below: *Provided, however,* That cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil and exported therefrom prior to the date of publication shall not be denied entry until 60 days after the date of publication.

The visa will be a stamped marking on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document, or on the commercial invoice when such form is used) and will bear the authorized signature of the official issuing the visa. A facsimile of the stamp, along with the signatures of those officials authorized to issue visas, are inclosed.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton textiles and cotton textile products produced or manufactured in the Federative Republic of Brazil and exported therefrom, notwithstanding the designated shipment or shipments do not meet the aforementioned visa requirements, whenever requested to do so in writing by the Chariman of the Committee for the Implementation of Textile Agreements.

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. 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from the Federative Republic of Brazil 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,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

TREASURY DEPARTMENT — *Attach Additional Sheets Here* — Form Approved. Budget Bureau No. 48-R342.5.
Read Carefully Instructions for Preparation of Invoice
(THIS FORM DOES NOT REQUIRE CERTIFICATION BY A UNITED STATES CONSULAR OFFICER)

SPECIAL CUSTOMS INVOICE

BUREAU OF CUSTOMS

(Original only required for customs purposes)

I. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT

1. How were goods obtained by importer? By purchase or agreement to purchase ☐ By some means other than a purchase ☐
DO NOT INCLUDE PURCHASE AND NONPURCHASE GOODS IN SAME INVOICE. USE SEPARATE INVOICE FOR EACH

2. Place (city and country) and date obtained by importer	3. Name of exporting carrier	4. Date of shipment

II. TO BE FILLED IN IF GOODS WERE PURCHASED OR AGREED TO BE PURCHASED	III. TO BE FILLED IN IF GOODS WERE NOT PURCHASED
1. Name and address of seller	1. Name and address of person from whom goods were obtained
2. Name and address of purchaser	2. Name and address of consignee
3. Date order accepted	3. Name and address of person for whose account goods are shipped

IV. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT

(1) Marks and Numbers on Shipping Packages	(2) Manufacturer's or Seller's Numbers or Symbols	(3) Quantity and Full Description of Goods (State contents of each package and importer's numbers or symbols, if any)	(4) Invoice Unit Price or Value	(5) Invoice Totals and Show Separately Packing Costs; All Other Costs, Charges, and Expenses	(6) Current Unit Price for Home Consumption in Home Currency	(7) Current Unit Price for Export to United States
		Brazilian visa for the control of shipments accountable against the bilateral AGREEMENT IN COTTON TEXTILES between Brazil and the U. S. Visa Nr., Date				

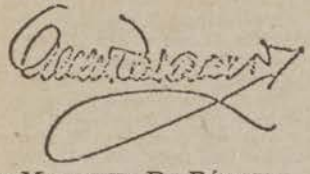
(8) Country of origin	(9) If rate of exchange is fixed or agreed, give rate	(10) If discount is freely offered, give terms, amount, and whether trade or cash

V. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT

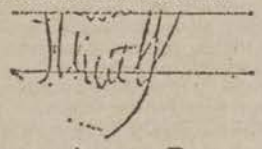
1. IF GOODS WERE PURCHASED, have you stated in section IV, column 4, the purchase price of each item in the currency in which the goods were bought? ☐ Yes ☐ No.
2. IF THE GOODS WERE NOT PURCHASED, have you stated in section IV, column 4, the price that you would have received or would be willing to receive now if the goods were sold in the ordinary course of trade for exportation to the United States? ☐ Yes ☐ No.
3. What currency was used in this invoice transaction? .....
4. Whether the goods were purchased or obtained by the United States importer in some other manner, have you stated in section IV, column 6:
(A)(1) The price at which you are now selling the goods or offering them for sale for home consumption, including all applicable taxes? ☐ Yes ☐ No.
(2) Is this price freely offered to anyone who wishes to buy the goods for home consumption? ☐ Yes ☐ No.
(B)(1) Have you stated in section IV, column 7, the price at which you are now selling the goods or offering them for sale for export to the United States and whether this price is f.o.b., c.i.f., c.&f., or whatever the fact may be? ☐ Yes ☐ No.
(2) Is this price freely offered to anyone who wishes to buy the goods for export to the United States? ☐ Yes ☐ No.
5. Have you listed all charges and stated whether each amount has been included in or excluded from the invoice amount? ☐ Yes ☐ No.
Is the inland freight included in the invoice price or value? ☐ Yes ☐ No. Is the price or value of the goods the same at the factory as at the point of delivery? ☐ Yes ☐ No. If the answer is No, have any sales been made at an ex-factory price? ☐ Yes ☐ No.
6. Are any rebates, drawbacks, bounties, or other grants allowed upon the exportation of the goods? ☐ Yes ☐ No. If so, have all been separately itemized? ☐ Yes ☐ No.
7. If such or similar goods are being sold or offered for sale in the home market for home consumption, what taxes are applicable and are they included in the price shown in section IV, column 6?
Rate ..... Kind .....

CUSTOMS FORM NO. 5515

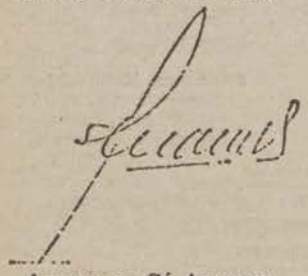
LIST OF OFFICIALS AUTHORIZED TO ISSUE VISAS FOR PURPOSES OF THE COTTON TEXTILES AGREEMENT BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL AND THE UNITED STATES



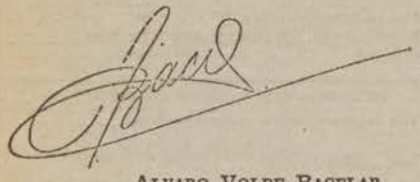
ABEL MARCELINO DO RÓSARIO.



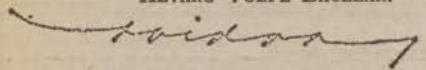
ALUYSIO ALMEIDA DINIZ.



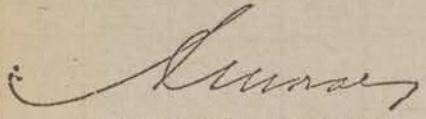
ALVARO DE SÁ ANDRADE.



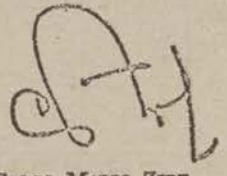
ALVARO VOLPE BACELAR.



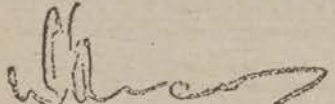
AMABILINO SANTIN VIDOR.



ANTONIO PEDRO DE MORAES.



CELSO MARIO ZIPF.



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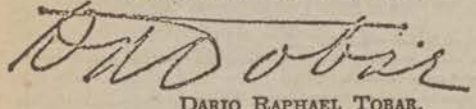

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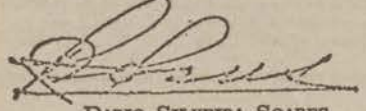
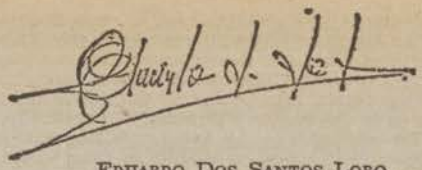


DARIO SILVEIRA SOARES.



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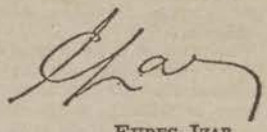

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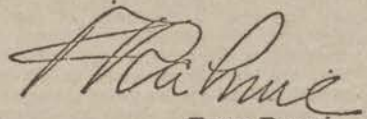
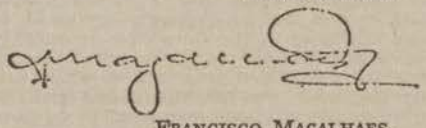


FAUZI RAHMÉ.



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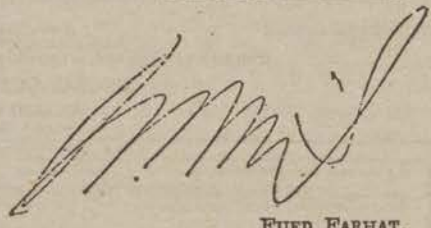

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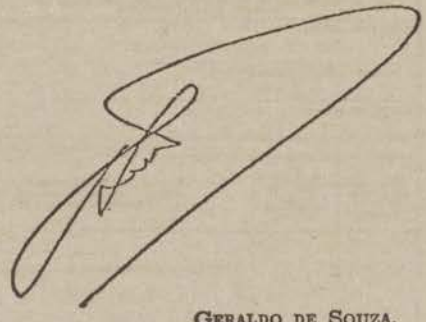

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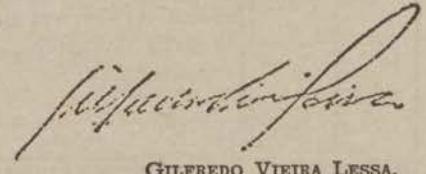
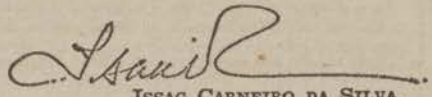


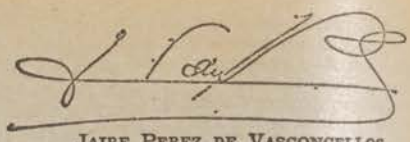
GILFREDO VIEIRA LESSA.

HENRIQUE REIS BERGAN.

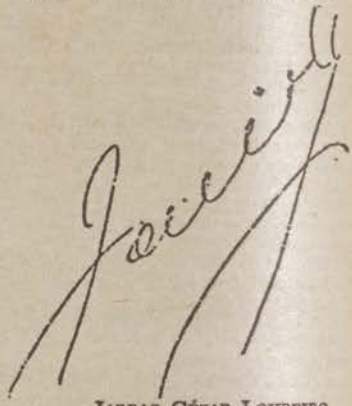
HONORIO ONOFRE DE ABREU.



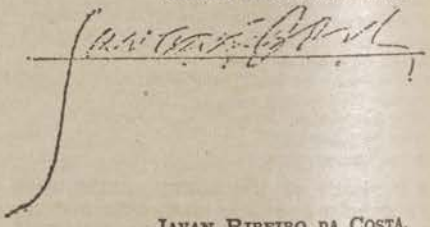
ISSAC CARNEIRO DA SILVA.



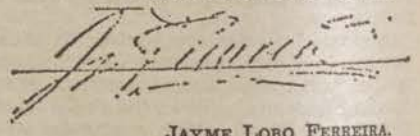
JAIRE PEREZ DE VASCONCELLOS.



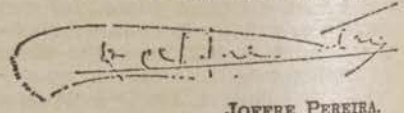
JARBAS CÉZAR LOUREIRO.



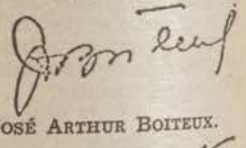
JAVAN RIBEIRO DA COSTA.



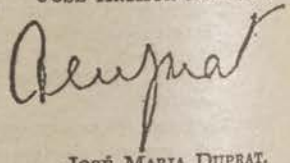
JAYME LOBO FERREIRA.



JOFFRE PEREIRA.



JOSÉ ARTHUR BOITEUX.



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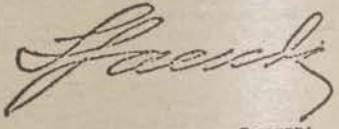

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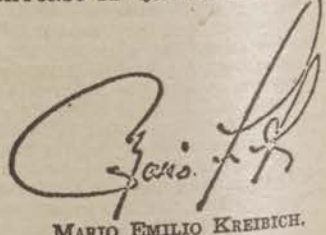
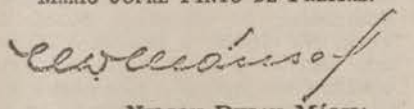
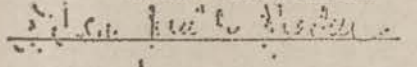


MARIO EMILIO KREIBICH.

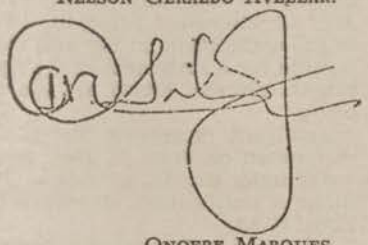
MÁRIO JOFRE PINTO DE FREITAS.



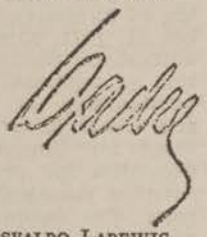
NELSON DURAN MÁSCIA.



NELSON GERALDO AVELLAR.



ONOFRE MARQUES.



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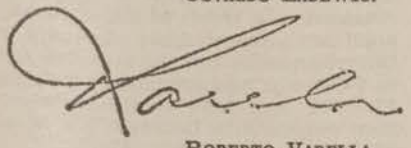
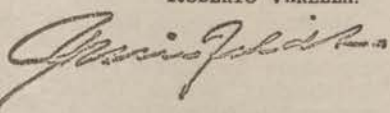


ROBERTO VARELLA.



ROLANDO MISSFELDT.

RUFINO CÂNCIO PIRES.

[FR Doc.72-10178 Filed 7-7-72;8:45 am]

FEDERAL MARITIME COMMISSION

COMPAGNIE MARITIME DES CHARGEURS REUNIS, S.A., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Compagnie Maritime Des Chargeurs Reunis, S.A., Elder Dempster Lines, Ltd., and Compagnie Maritime Belge, S.A., Compagnie Maritime Du Zaire S.A.R.L., (as one member (or party) only).

Notice of agreement filed by:

Sanford C. Miller, Esquire, Haight, Gardner, Poor & Havens, 1 State Street Plaza, New York, NY 10004.

Agreement No. 9475-3 between Compagnie Maritime des Chargeurs Reunis, S.A., and Elder Dempster Lines, Ltd., a sailing arrangement in the trade between U.S. Atlantic, gulf, and Great Lakes ports and West African ports, adds as a party to the Agreement Compagnie Maritime Belge, S.A., and Compagnie Maritime du Zaire S.A.R.L. (F.M.C. Agreement No. 7688-4) as one party only.

Dated: June 30, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10475 Filed 7-7-72;8:49 am]

SEA-LAND SERVICE, INC., AND SEATRAIN LINES, INC.

Discriminatory Assessment of Wharfage Charges at Port of Baltimore; Rescheduling of Filing Dates

JUNE 30, 1972.

Upon request of counsel for respondent Seatrain Lines, Inc., and good cause appearing, the schedule for responding to the order to show cause in this proceeding is revised as follows:

Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties on or before August 18, 1972.

Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and interveners, if any, on or before September 8, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10476 Filed 7-7-72;8:49 am]

FEDERAL RESERVE SYSTEM

CENTURY BANCORP, INC.

Formation of One-Bank Holding Company

Century Bancorp, Inc., Somerville, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 90 percent of the voting shares of Century Bank and Trust Co., Somerville, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 31, 1972.

Board of Governors of the Federal Reserve System, June 31, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-10440 Filed 7-7-72;8:45 am]

FIRST AT ORLANDO CORP.

Acquisition of Bank

First at Orlando Corp., Orlando, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Citrus First National Bank of Leesburg, Leesburg, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the

application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 26, 1972.

Board of Governors of the Federal Reserve System, July 3, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-10443 Filed 7-7-72;8:45 am]

[Regs. G, T, U]

OTC MARGIN STOCK

Changes in List

The following changes have been made, effective July 3, 1972, in the list of OTC margin stocks, as of May 15, 1972, published in the FEDERAL REGISTER on May 24, 1972.

1. Additions: (Stocks now subject to margin requirements) Browning Co., $1 par common; and Werner Continental, Inc., $0.50 par common.

2. Deletions: (Stocks now registered on national securities exchanges) First Pennsylvania Corp., $1 par common; Keene Corp., $0.10 par common; and NLT Corp., $5 par common; (stock of company acquired by another firm) Arkansas-Missouri Power Co., $2.50 par common.

3. Changes: Bankamerica Corp., $6.25 par common now reads as Bankamerica Corp., $3.125 par common; Food Fair Properties, Inc., $0.01 par common becomes Amterre Development, Inc., $0.01 par common; International Textbook Co. (Intext), no par common is changed to Intext, Inc., no par common; National Patent Development Corp., Class A, $0.01 par common now reads as National Patent Development Corp., $0.01 par common; and Palo Alto-Salinas Savings and Loan Association, no par capital is renamed Northern California Savings and Loan Association, no par capital.

Board of Governors of the Federal Reserve System, by its Director of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), July 3, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-10442 Filed 7-7-72;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corp., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Manatee National Bank of Bradenton, Bradenton, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the once of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 26, 1972.

Board of Governors of the Federal Reserve System, July 3, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-10444 Filed 7-7-72;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

NEW YORK

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated June 24, 1972, and published June 28, 1972 (37 F.R. 12756), and amended June 27, 1972, and published July 1, 1972 (37 F.R. 13136), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 1972:

The counties of:

Broome.	Oneida.
Cayuga.	Onondaga.
Madison.	Wayne.
Monroe.	

Dated: July 3, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10465 Filed 7-7-72;8:49 am]

POSTAL SERVICE

POSTAL RATES AND FEES

Availability of Printed Record

Notice is hereby given that the record required to be printed pursuant to 39 U.S.C. 3625(e) has now been printed by the Public Printer and is available for sale as of July 7, 1972, by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price of $36.75 per set, and bearing stock Number 5262-0001.

(39 U.S.C. secs. 401, 3625(e))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.72-10532 Filed 7-7-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[811-962]

ATLANTIC FUND FOR INVESTMENT IN UNITED STATES GOVERNMENT SECURITIES, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 30, 1972.

Notice is hereby given that Atlantic Fund for Investment in United States Government Securities, Inc. (Applicant), c/o Conboy, Hewitt, O'Brien & Boardman, 20 Exchange Place, New York, NY 10005, a Delaware corporation registered as an open-end, nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that it was incorporated on June 22, 1960, and registered under the Act on July 20, 1960, by filing a notification of registration on Form N-8A.

Applicant states that at a special meeting of its shareholders held on December 21, 1971, a resolution was adopted authorizing the liquidation and dissolution of applicant through the sale of substantially all applicant's property and assets in exchange for shares of Fund for United States Government Securities, Inc. (FGS), an open-end, diversified management investment company. The resolution provided for the subsequent distribution of FGS shares, obtained as a result of the exchange, to applicant's shareholders. Applicant further represents that the sale of its assets to FGS was consummated on January 13, 1972, and that applicant's dissolution, pursuant to Delaware law, became effective on February 3, 1972.

Applicant contends that as of April 6, 1972, 295 shareholders had exchanged their shares for those of FGS and that 56 shareholders owning 7,314.664 shares representing approximately $78,634, had failed to tender their certificates. Applicant states that it has appointed State Street Bank and Trust Co. of Boston, Mass., to act as agent for the purpose of carrying out the exchange of applicant's stock still held by these 56 shareholders. Applicant states that the agent will maintain individual accounts for

each shareholder who has failed to tender his certificates and has transferred to these accounts the certificates in FGS to which such shareholders are entitled, registered in their respective names. The agent will forward dividends and capital gain distributions in cash as they are declared by FGS to such shareholders' addresses of record. In the event such payments can not be delivered to these shareholders, the agent will deposit them in a special account maintained by the agent. Applicant represents that apart from the laws of escheatment applicable to disposition of unclaimed property in the hands of banks there is no deadline by which the FGS shares held by the agent must be claimed. Two written communications have been made to all the exchanging shareholders of applicant urging the prompt tender of their shares. In addition, it is stated that the agent will circularize at annual intervals the remaining persons who have failed to tender their certificates to urge them to claim the assets held for them by the agent.

Applicant's only assets, apart from the individual accounts maintained by the agent, consist of cash in the amount of $4,526.96 which will be used primarily to effect applicant's remaining debts. When all of applicant's obligations have been paid, any unexpended portion of the sum will be turned over to FGS pursuant to that agreement.

Applicant contends it is no longer engaged in the business of an investment company, is not presently engaged in any business or activity except limited activities in connection with liquidation and dissolution pursuant to the vote of its stockholders, and has no intention of resuming the business of an investment company or carrying on any other business in the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 26, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10466 Filed 7-7-72;8:46 am]

[812-3189]

FEDERAL STREET FUND, INC., AND SECOND FEDERAL STREET FUND, INC.

Notice of Application for an Order Exempting Proposed Transactions

JUNE 30, 1972.

Notice is hereby given that an application has been filed by Federal Street Fund, Inc. (Federal), and the Second Federal Street Fund, Inc. (Second Federal), the (Funds), 225 Franklin Street, Boston, MA 02110, which are open-end diversified investment companies registered under the Investment Company Act of 1940, as amended (the Act), requesting, pursuant to section 17(b) of the Act, an exemption from section 17 (a) of the Act to permit consummation of proposed transactions pursuant to which Second Federal will be merged with and into Federal. State Street Research & Management Co. (State Street) is the investment adviser of each of the Funds. Federal's Board of Directors has seven members, six of whom are also members of the eight-member Board of Second Federal. Accordingly, the Funds may be deemed to be under common control and each Fund an affiliated person of the other Fund under the Act. The proposed transaction may be deemed to involve the purchase and sale of securities between registered investment companies and affiliated persons of such companies. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Both Funds are incorporated under the laws of Massachusetts and were created as so-called "exchange type" funds, and the governing instruments of both Funds are substantially similar. Both Funds operate under investment advisory contracts with State Street containing substantially similar terms and conditions. The investment objective of both Funds is identical and may be generally characterized as long-term growth of capital and income. Federal had a net asset value of $175,034,369 and had 1,840,683 shares of common stock outstanding as of March 31, 1972. At the same date, Second Federal had a net asset value of $82,718,177 and had 1,849,058 shares of common stock outstanding.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such an affiliated person, to sell any security or other property to such registered company (except securities of which the buyer is the issuer) or to purchase from such registered company any security or other property (except securities of which the seller is the issuer).

Section 17(b) provides, however, that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the evidence establishes that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned, and with the general purposes of the Act.

Federal and Second Federal have entered into a plan and agreement of merger dated May 5, 1972, as amended by an amendatory agreement dated June 19, 1972 (Agreement of Merger). The Boards of Directors of each Fund approved the Agreement of Merger which will be submitted to the stockholders of each Fund for their consideration and action. The Agreement of Merger provides that Second Federal shall be merged into Federal under Massachusetts law, and that Federal shall be the surviving corporation. On the effective date of the merger Federal's authorized capital stock shall be increased to 15 million shares of common stock, and its outstanding shares shall be split 3 for 1. The outstanding shares of common stock of Second Federal owned by each Second Federal stockholder on such effective date shall be converted into that number of full shares (and fractional interest in a full share) of Federal (taking into account the 3 for 1 split of Federal stock) as shall have an aggregate net asset value as of the last day on which the New York Stock Exchange is open for unrestricted trading prior to the effective date of the merger (Valuation Date) equal to such Second Federal stockholder's pro rata interest in the value of the net assets, adjusted, if necessary, as outlined below, of Second Federal. (All fractional interests shall be paid in cash.)

The adjustment to the value of the net assets of Second Federal to be made for purposes of the computations outlined in the preceding paragraph, which may increase or decrease the value of such assets, shall be made in accordance with a formula set forth in the Application. This formula is designed to make the necessary adjustments for the potential Federal income tax impact of the differences in the relative net unrealized taxable capital gains in the portfolios of the two Funds and of any net undistributed taxable long-term capital gain realized

by Federal in the current year prior to the Valuation Date and of any net capital loss realized by either Federal or Second Federal during such period. No adjustment will be required, however, pursuant to said formula if the amount computed as of the Valuation Date is less than one-half of 1 percent (½ of 1%) of the net assets of the Fund whose stockholders would otherwise have received the benefit of the adjustment. If the merger had taken place on May 31, 1972, no adjustment would have been required, and the managements of both Funds believe that it is unlikely that any adjustment will be required as of the Valuation Date.

Prior to the effective date of the merger Federal and Second Federal will each declare a dividend to its respective stockholders consisting of substantially all of its undistributed net taxable investment income and net short-term capital gains, if any.

The aggregate expenses of both Funds in connection with the proposed merger, exclusive of possible expenses of employing a professional firm to solicit proxies for the stockholder meetings, but including legal, accounting, transfer agent and other miscellaneous expenses, are estimated at $65,000. All expenses will be allocated to each Fund in proportion to their respective net asset values except for expenses of said professional firm estimated to be approximately $2,500 for each Fund.

It is anticipated that benefits will accrue to the Funds as a result of the proposed merger. Savings of expenses in such areas as legal and audit, proxy statements, shareholder and other reports and custodial and bookkeeping services are anticipated as a result of operating one corporation instead of two. In addition, Federal is proposing to its stockholders the adoption of a new investment advisory contract between Federal and its investment adviser. Such investment advisory contract provides for a reduced rate of management fees on net assets of Federal in excess of $200 million. If the merger had been consummated, and the proposed new contract had become effective on May 31, 1972, the market value of the net assets of the surviving corporation would have been approximately $256,200,000 and the reduced rate would have applied to approximately $56,200,000 of such assets thereby decreasing the cost of management for stockholders of both Funds by approximately $70,200 on an annual basis. Further, the merger should also provide on a continuing basis greater investment flexibility both with respects to normal portfolio transactions and redemption procedures.

Notice is further given that any interested person may, not later than July 25, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon each of the Funds at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10467 Filed 7-7-72;8:46 am]

[812-2844]

MANUFACTURERS VARIABLE ACCOUNT I AND MANUFACTURERS LIFE INSURANCE CO.

Notice of Withdrawal and Order Discontinuing Proceeding on Application for Order Permitting Registration

JUNE 30, 1972.

The Manufacturers Life Insurance Co. (Manufacturers), a mutual life insurance company authorized under the laws of Canada, and Manufacturers Variable Account I (Account I), 200 Bloom Street East, Toronto, ON Canada, a separate account established by Manufacturers under the provisions of the Canadian and British Insurance Companies Act, have filed an application for an order pursuant to section 7(d) of the Investment Company Act of 1940 (Act) permitting Manufacturers to register Account I as a unit investment trust under the Act and to make a public offering of its variable annuity contracts.

On March 30, 1972, the Commission issued a notice of filing of such application (Investment Company Act Release No. 7108). On June 19, 1972, applicants requested that their application be withdrawn, stating that they do not wish to go forward at the present time with their plan to offer variable annuities.

Accordingly, it is ordered, That the proceeding with respect to the application be, and hereby is discontinued.

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

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10468 Filed 7-7-72;8:46 am]

[Files Nos. 2-27430, 22-4725]

OWENS-ILLINOIS, INC.

Notice of Application and Opportunity for Hearing

JUNE 30, 1972.

Notice is hereby given that Owens-Illinois, Inc. (the "Company"), has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Chemical Bank (the "Bank") under an indenture dated as of November 1, 1967, and heretofore qualified under the Act, and a new indenture, which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under either indenture.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It has outstanding $49,491,000 principal amount of 4½ percent Convertible Subordinated Debentures due November 1, 1992, which were issued under an indenture dated as of November 1, 1967, entered into between the Company and the Bank, as trustee, which has been qualified under the Act.

2. It proposes to issue and sell outside the United States in a transaction which will be exempt from registration under the Securities Act of 1933, and qualification under the Act, $25 million principal amount of _____ percent Subordinated Debentures due 1987 (new Debentures) to be issued under an indenture to be dated as of July 1, 1972 (new Indenture), between it and the Bank. The new indenture will not be qualified under the Act.

3. The indenture dated as of November 1, 1967, is, and the new indenture will be, wholly unsecured. Both the new indenture and the 1967 indenture are and will be subordinated to the same indebtedness and the new indenture specifically provides that the new de-

bentures shall rank on a parity with the 1967 debentures.

4. The differences in the provisions of the two indentures are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under either indenture.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under the rules and practices of the Commission with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, Washington, DC 20549.

Notice is further given that any interested person may, not later than August 3, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10469 Filed 7-7-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4.4-1 (Region VIII) for Disaster 908]

MANAGER, RAPID CITY, S. DAK., DISASTER BRANCH OFFICE

Redelegation of Authority

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (Revision 1) (36 F.R. 7291), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Rapid City, S. Dak., Disaster Branch Office.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan.

2. To approve disaster guaranteed loans up to an SBA guarantee of $350,000, and to decline such loans in any amount.

3. To execute loan authorizations for central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager, Disaster Branch Office.

4. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

5. To disburse unsecured disaster loans.

6. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: June 22, 1972.

HARLEY T. JACKSON,
Acting Regional Director, Region VIII, Denver, Colo.

[FR Doc.72-10464 Filed 7-7-72;8:48 am]

GOODWIN SMALL BUSINESS INVESTMENT CO.

Notice of Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration rules and regulations (13 CFR 107.701 (1972)), a notice of filing of an application for transfer of control of Goodwin Small Business Investment Co., 1200 First National Bank Building, San Diego, Calif. 92101, was published in the FEDERAL REGISTER on March 17, 1972 (37 F.R. 5676).

Interested persons were invited to send their written comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Goodwin Small Business Investment Co.

In conjunction with the above transfer of control, the name of the licensee has been changed to Investcal Small Business Investment Company and the principal office has been moved to 1400 Fifth Avenue, Suite 305, San Diego, Calif. 92101.

Dated: June 30, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-10463 Filed 7-7-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 87]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73110. By order of June 29, 1972, the Motor Carrier Board approved the transfer to Bellevue Aggregate Haulers, Inc., 1035 South McCord Road, Holland, OH, of certificate No. MC-128371 issued January 31, 1967, to Bellevue Trucking Corp., Holland, Ohio, authorizing the transportation of: Sand, gravel, earth, building blocks, crushed stone, and roadbuliding materials, except cement, from points in Lenawee and Monroe Counties, Mich., to points in Lucas and Fulton Counties, Ohio, and those in Perrysburg, Ross, Plain, and Center Townships, Wood County, Ohio, with no transportation for compensation on return except as otherwise authorized: And stone, building blocks, mortar, cinders, brick, vitrified clay tile, agricultural lime, and road building materials, except cement, from points in Lucas County, Ohio, to points in Lenawee and Monroe Counties, Mich., with no transportation for compensation on return except as otherwise authorized. Paul F. Beery, 88 East Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC-FC-73641. By order of June 29, 1972, the Motor Carrier Board approved the transfer to Landes Wrecker Service,

Inc. Staunton, Va., of certificate No. MC 124868 issued April 15, 1971, to David A. White, Raphine, Va., authorizing the transportation of: Wrecked and disabled vehicles and replacement vehicles, by use of wrecker equipment, between points in Virginia, and between points in Virginia and points in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Vermont, West Virginia, and the District of Columbia, with certain exceptions, in a radial movement. Harry A. Jordan, attorney, 1000 16th Street, NW., Washington, DC 20036.

No. MC–FC–73669. By order of June 29, 1972, the Motor Carrier Board granted the transfer to Clair O'Hara, doing business as O'Hara Fuel and Transfer Co., 309 East Third Street, Theif River Falls, NM 56701, of certificate No. MC–88619 issued May 18, 1972, to Wallace Wiskow, doing business as O'Hara Fuel and Transfer Co., same address, authorizing the transportation of: Household goods as defined by the Commission, between points in Pennington, Marshall, Red Lake, and Roseau Counties, Minn., on the one hand, and, on the other, points in North Dakota and South Dakota.

No. MC–FC–73710. By order of June 29, 1972, the Motor Carrier Board approved the transfer to Joe J. Dempewolf Transfer & Storage, Inc., Ponca City, Okla., of the operating rights in certificate No. MC–44024 issued April 29, 1964, to Joe J. Dempewolf, doing business as W. D. Clarke Transfer & Storage Co., Ponca City, Okla., authorizing the transportation of household goods between points in Kay County, Okla., and points within 35 miles thereof, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, and Texas.

No. MC–FC–73727. By order of June 29, 1972, the Motor Carrier Board approved the transfer to Trailways Express, Inc., Malta, Ohio, of the operating rights in permits Nos. MC–127099 (Sub-No. 2), MC–127099 (Sub-No. 7), MC–127099 (Sub-No. 8), and MC–127099 (Sub-No. 14), issued May 17, 1967, January 28, 1970, May 12, 1970, and April 28, 1972, respectively, to Robert Neff & Sons, Inc., Zanesville, Ohio, collectively authorizing the transportation of various specified commodities from and to points in specified parts of the United States, E. H. Van Deusen, 1044 Parkleigh Road, Columbus, OH 43220, attorney for applicants.

No. MC–FC–73760. By order of June 29, 1972, the Motor Carrier Board approved the transfer to McCrossen Cartage Co., Inc., Milwaukee, Wis., of the operating rights in certificates Nos. MC–116414 (Sub-No. 1), MC–116414 (Sub-No. 2), and MC–116414 (Sub-No. 6) issued May 29, 1968, November 22, 1965, and October 28, 1970, respectively to William G. McCrossen, doing business as McCrossen Cartage Co., Milwaukee, Wis., authorizing the transportation of specified commodities from and to specified points in Wisconsin, Illinois, and Iowa. Thomas J. Regan, 710 North Plankinton Avenue, Milwaukee, WI 53203, attorney for applicants.

No. MC–FC–73793. By order of June 29, 1972, the Motor Carrier Board approved the transfer to Preston L. Ford, doing business as Ford-Floyd Wrecker Service, Louisville, Ky., of the operating rights in certificate No. MC–108970 (Sub-No. 1) issued February 20, 1948, to W. M. Floyd, doing business as Floyd & Son Wrecker Service, Louisville, Ky., authorizing the transportation of wrecked or disabled motor vehicles and contents thereof between Louisville, Ky., and points within 50 miles thereof, on the one hand, and, on the other, points in Kentucky, Indiana, Illinois, Ohio, and Tennessee. Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, KY 40202, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–10486 Filed 7–7–72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 5, 1972.

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

LONG-AND-SHORT HAUL

FSA No. 42465—*General commodities from ports in Korea to rail carriers' terminals at Houston, Tex., New Orleans, La., and Kearny, N.J.* Filed by Sea-Land Service, Inc. (No. 65), for itself and interested rail carriers. Rates on general commodities, from ports in Korea, on the one hand, to rail carriers' terminals at Houston, Tex., New Orleans, La., and Kearny, N.J., on the other.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff ICC No. 70. Rates are published to become effective on August 1, 1972.

FSA No. 42466—*General commodities from ports in Taiwan to rail carriers' terminals at Kearny, N.J., Houston, Tex., and New Orleans, La.* Filed by Sea-Land Service, Inc. (No. 66), for itself and interested rail carriers. Rates on general commodities, from ports in Taiwan, on the one hand, to rail carriers' terminals at Kearny, N.J., Houston, Tex., and New Orleans, La., on the other.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff ICC No. 78. Rates are published to become effective on August 1, 1972.

FSA No. 42467—*General commodities from the Port of Hong Kong to rail carrier's terminals at Kearny, N.J., Houston, Tex., and New Orleans, La.* Filed by Sea-Land Service, Inc. (No. 67), for itself and interested rail carriers. Rates on general commodities, from the Port of Hong Kong, on the one hand, to rail carriers' terminals at Kearny, N.J., Houston, Tex., and New Orleans, La., on the other.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff ICC No. 75. Rates are published to become effective on August 1, 1972.

FSA No. 42468—*General commodities from rail carriers' terminals at Houston, Tex., and New Orleans, La., to ports in the Far East.* Filed by Sea-Land Service, Inc. (No. 68), for itself and interested rail carriers. Rates on general commodities, from rail carriers' terminals at Houston, Tex., and New Orleans, La., on the one hand, to ports in the Far East, on the other.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff ICC No. 72. Rates are published to become effective on August 1, 1972.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Assistant Secretary.

[FR Doc.72–10487 Filed 7–7–72;8:50 am]

[Notice 25]

ASSIGNMENT OF HEARINGS

JULY 5, 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 60430 Sub 20, Friedman's Express, Inc., now being assigned hearing August 21, 1972 (1 week), at New York, N.Y., in a hearing room to be later designated.

I & S 8739, Cancellation of TOFC Rates, C. & O. Railway, now assigned August 7, 1972, at Milwaukee, Wis., hearing is postponed to October 16, 1972, at Milwaukee, Wis. in a hearing room to be later designated.

MC 56679, Sub 41, 48, 50, 63, Brown Transport Corp. Extension, now assigned July 17, 1972, at Jacksonville, Fla., hearing is postponed to September 18, 1972, at Jacksonville, Fla., in a hearing room to be later designated.

MC-F-11304, Gleason Transportation Co., Inc.—purchase—J. J. Minnehan, Inc., now assigned August 7, 1972, at Boston, Mass., is canceled and application dismissed.

MC 76032 Sub 292, Navajo Freight Lines, Inc., MC 115331 Sub 325, Truck Transport, Inc., MC 136354, Lizza Trucking Co., now assigned hearing July 14, 1972, at St. Louis, Mo., hearing is postponed indefinitely.

AB 5 Sub 2, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Trans. Co., debtor, abandonment in Pittsburgh, Allegheny County, Pa., AB 5 Sub 3, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Trans. Co., debtor, abandonment portion of its main line (Pittsburgh to St. Louis) Pittsburgh, Allegheny County, Pa., now being assigned hearing August 21, 1972 (1 week), at Pittsburgh, Pa., in a hearing room to be later designated.

No. MC 119547 Sub 31, Edgar W. Long, now assigned July 12, 1972, at Columbus, Ohio, will be held in room 228, Federal Building, 85 Marconi Boulevard, instead of in room 2, State Office Building, 65 South Front Street.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10488 Filed 7-7-72;8:50 am]

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PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

General Requirements for Fog Signals

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72-74R]

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

General Requirements for Fog Signals

The purpose of this amendment to Part 67 of Title 33, Code of Federal Regulations, is to revise the minimum loudness levels and establish testing procedures for fog signals on artificial islands and structures that are erected on or over the Outer Continental Shelf or in U.S. waters for the purpose of exploring for, developing, removing, and transporting resources from the seabed and subsoil. This amendment also clarifies and makes other minor changes to Part 67.

These amendments were proposed in a notice of proposed rule making published in the FEDERAL REGISTER of April 19, 1972 (37 F.R. 7703). The comments received in response to the notice have been considered in this issuance of a final rule. Several minor editorial changes have been made.

One comment suggested that the term "audible range" be changed to "usual range" to agree with accepted international terminology and to avoid the implication that a fog signal is always audible at the stated range. While the loudness levels proposed for an "audible range" of 2 miles are identical to that prescribed by the International Association of Lighthouse Authorities (IALA) for a "usual range" of 2 miles the levels for an audible range of one-half mile differ from those of an IALA usual range of one-half mile. Calling the half-mile range a "usual range" would be misleading. Since the term "audible range" may also be misleading it has been changed to "range" wherever appearing in these regulations.

Two comments were received questioning the proposed requirements of § 67.10–1(e) which would limit fog signal apparatus to a "height not exceeding eight times the wave length of the fundamental frequency." It appears that the proposed wording did not clearly indicate the intent of the rule which was to insure an adequate vertical sound pattern by prohibiting the stacking of more than eight sound sources. This paragraph has been rewritten to explicitly prohibit such installations.

One comment, from a fog signal manufacturer, protested the proposed § 67.10–1(g)(3) which would require fog signal apparatus to be permanently marked with a "model designation not previously used on any other apparatus." The manufacturer claimed it would be expensive to redesignate his existing product line and questioned the usefulness of such a redesignation. He further stated that the goodwill of his present designations would be lost if his product line must be redesignated to qualify for approval under the new regulations. The proposed rule was intended to identify signals subject to the proposed new regulations. (Signals authorized for use by the Coast Guard and manufactured prior to January 1, 1973, were excepted from some of the new rules.) The Coast Guard agrees that the manufacturer's objections are valid and has therefore deleted the requirement for a new model designation. Instead, each signal will be required to be permanently marked with the date of manufacture.

Two comments expressed concern that the "Table A * * * in effect on December 31, 1972" (proposed § 67.10–40) would not be the Table A currently in effect. The effective date of these new regulations should eliminate this concern.

One comment claimed that the proposed § 67.10–40 seemed inconsistent with the preamble to the notice of proposed rule making and therefore recommended a revision of § 67.10–40. The Coast Guard considers that there is no inconsistency and therefore rejects the proposed revision.

In consideration of the foregoing, Part 67 of Title 33 of the Code of Federal Regulations is amended as follows:

1. By revising the title of Part 67 to read as set forth above and the table of contents for Subpart § 67.10 to read as follows:

Subpart 67.10—General Requirements for Fog Signals

Sec.

AUTHORITY: The provisions of this Subpart 67.10 issued under sec. 1, 70 Stat. 226, sec. 4, 67 Stat. 462, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 85, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b).

§ 67.01–25 [Revoked]

2. By revoking § 67.01–25.

3. By revising Subpart 67.10 to read as follows:

Subpart 67.10—General Requirements for Fog Signals

§ 67.10–1 Apparatus requirements.

The fog signal required by §§ 67.20–10, 67.25–10, and 67.30–10 must—

(a) Have its maximum intensity at a frequency between 100 and 1,100 Hertz;

(b) Sound a 2-second blast every 20 seconds (2 seconds sound, 18 seconds silence) unless otherwise authorized by the District Commander;

(c) Have the range required by § 67.20–10, § 67.25–10, or § 67.30–10;

(d) Have a height not exceeding 25 feet;

(e) Have not more than eight sound sources;

(f) Be approved by the Coast Guard under § 67.10–15; and

(g) Be permanently marked with—

(1) The date of Coast Guard approval;

(2) The manufacturer and date of manufacture;

(3) A model designation;

(4) The approved range; and

(5) The power necessary to comply with the provisions of paragraph (c) of this section.

§ 67.10–5 Location requirements.

The fog signal required by §§ 67.20–10, 67.25–10, and 67.30–10 must—

(a) Be located on the structure so that the sound signal produced is audible over 360° in a horizontal plane at all ranges up to and including the required range; and

(b) Be located at least 10 feet but not more than 150 feet above mean high water.

§ 67.10–10 Operating requirements.

(a) Fog signals required by §§ 67.20–10, 67.25–10, and 67.30–10 must be operated continuously, regardless of visibility, unless the fog signal is controlled—

(1) By an attendant on the structure;

(2) Remotely by an attendant on a nearby structure; or

(3) By a fog detection device capable of activating the fog signal when the visibility in any direction is reduced to the range at which fog signal operation is required by this part.

(b) During construction and until such time as a fog signal is installed and operating on a platform, the whistle of an attending vessel moored alongside the platform may be used to sound the signal required for the structure by this part.

§ 67.10–15 Approval of fog signals.

(a) The Coast Guard approves a fog signal if—

(1) It meets the requirements for fog signals in § 67.10–1 (a), (b), (c), (d), and (e) when tested under § 67.10–20; or

(2) It is similar to a fog signal which was tested and approved under the provisions of this section and the Coast Guard has approved all variations in design, construction, production, and manufacture from the fog signal tested.

(b) A fog signal that is an identical production model of a fog signal which has been approved under paragraph (a) of this section is a Coast Guard approved fog signal.

§ 67.10–20 Fog signal tests.

(a) Fog signal tests must—

(1) Be made by the applicant in the presence of a Coast Guard representative, who certifies the test if the procedures comply with the requirements of this section;

(2) Be made with Coast Guard supplied and calibrated sound level meters and power meters; and

(3) Be made in an anechoic chamber large enough to accommodate the entire fog signal, as if installed for actual use.

(b) The sound pressure level must be measured as a function of—

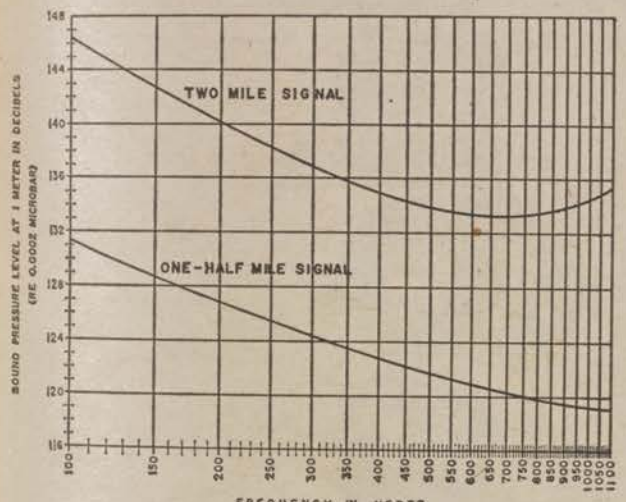
(1) Distance by using a sufficient number of points to allow a far-field extrapolation of the sound pressure level;

(2) Power at outputs up to and including the approximate power level necessary to comply with § 67.10–1(c);

(3) Horizontal angle at increments not greater than 30°; and

(4) Harmonic content to at least the third harmonic.

(c) In analyzing the test data to determine the minimum power necessary to produce the sound pressure level specified in Table A of this section the Coast Guard follows the procedures prescribed by the International Association of Lighthouse Authorities (IALA) in Supplement No. 3 to the IALA Bulletin of February 1969 for analysis of harmonic components and does not consider components above 1,100 Hertz as adding to the audible range.



FREQUENCY (Hz)	1/2 MILE (dB)	2 MILE (dB)
100	131.3	146.4
150	128.8	142.5
200	126.8	140.1
250	125.4	138.2
300	124.4	136.8
350	123.4	135.7
400	122.7	134.9
450	122.1	134.2
500	121.6	133.8
550	121.2	133.5
600	120.8	133.3
650	120.5	133.2
700	120.2	133.2
750	120.0	133.3
800	119.8	133.4
850	119.6	133.6
900	119.4	133.8
950	119.3	134.2
1000	119.2	134.5
1050	119.1	134.9
1100	119.0	135.4

TABLE A: REQUIRED SOUND PRESSURE LEVELS AT 1 METER FOR 1/2 AND 2 MILE FOG SIGNALS

§ 67.10–25 Application for tests.

A person requesting a Coast Guard representative at a test of a fog signal must—

(a) Direct a written request to U.S. Coast Guard (GWAN), 400 Seventh Street SW., Washington, DC 20590, including:

(1) His name, address, and telephone number;

(2) A description of the fog signal;

(3) Range for which approval is requested;

(4) Location of the anechoic chamber; and

(5) Proposed test dates.

(b) Bear all the expenses of conducting the test conducted in accordance with § 67.10–20 including all expenses of the U.S. Government in sending a Coast Guard representative to the test.

§ 67.10–30 Withdrawal of approval.

The Coast Guard may withdraw approval of a fog signal if it fails to meet the requirements of § 67.10–1 (a), (b), and (c).

§ 67.10–35 Notice of approval and withdrawal of approval.

(a) The Coast Guard publishes a notice of the approval or withdrawal of approval of a fog signal in the Local Notice to Mariners.

(b) A listing of approved fog signals may be obtained from any District Commander.

§ 67.10–40 Fog signals authorized for use prior to January 1, 1973.

Any fog signal authorized for use by the Coast Guard and manufactured prior to January 1, 1973, is excepted from the requirements in this subpart, except §§ 67.10–1 (b) and (c), 67.10–5, and 67.10–10, if the fog signal has a minimum sound pressure level as specified in Table A of Subpart 67.10 of Title 33 of the Code of Federal Regulations in effect on December 31, 1972, for the range required by § 67.20–10, § 67.25–10, or § 67.30–10.

4. By revising § 67.20–10, to read as follows:

§ 67.20–10 Fog signal.

(a) The owner of a class "A" structure shall—

(1) Install a fog signal that has a range of at least 2 miles; and,

(2) Operate the fog signal when the visibility in any direction is less than 5 miles.

(b) The District Commander may waive any requirements in paragraph (a) of this section if he finds that a structure is so close to other structures and so enveloped by the fog signals on other structures that it is not a hazard to navigation.

5. By revising § 67.25–10 to read as follows:

§ 67.25–10 Fog signal.

(a) The owner of a class "B" structure shall—

(1) Install a fog signal that has a range of at least one-half mile, except that the District Commander may—

(i) Prescribe a greater range, not to exceed 2 miles, under the provisions of paragraph (b) of this section; or

(ii) Exempt the structure from the requirements of this paragraph, under the provisions of paragraph (c) of this section;

(2) Operate the fog signal when the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles, under the provisions of paragraph (b) or (c) of this section.

(b) The owner of a class "B" structure shall install a fog signal with a greater range or operate it at times of greater visibility than required in paragraph (a) of this section if—

(1) The structure is erected on or adjacent to the edge of a—

(i) Navigable channel;

(ii) Fairway; or

(iii) Line of demarcation; and

(2) The District Commander decides a greater range or operation of the fog signal at times of greater visibility is necessary for the safety of marine commerce.

(c) The District Commander may waive or relax the provisions of paragraph (a) of this section, if he finds that a structure is—

(1) So close to other structures and so enveloped by the fog signals on other structures that it is not a hazard to navigation; or

(2) So located in a shoal area that it is not a hazard to navigation.

6. By revising § 67.30–10 to read as follows:

§ 67.30–10 Fog signals.

(a) The owner of a class "C" structure shall install a fog signal if—

(1) The structure is erected on or adjacent to the edge of a—

(i) Navigable channel;

(ii) Fairways; or

(iii) Line of demarcation; and

(2) The District Commander decides it is necessary for the safety of marine commerce.

(b) Fog signals required by paragraph (a) of this section must have range of at least one-half mile, unless the District Commander prescribes a greater range, not to exceed 2 miles.

(c) The owner of the structure shall operate the fog signal required by paragraph (a) of this section whenever the

visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles.

(d) Class "C" structures may have fog signals if—

(1) Authorized by the District Commander under the provisions of Subpart 66.01 of this subchapter; and

(2) The fog signal meets the requirements of § 67.10–1 (a) and (b).

(Sec. 1, 70 Stat. 226, sec. 4, 67 Stat. 462, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 85, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b))

Effective date. These amendments shall become effective on January 1, 1973.

Dated: June 28, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72–10165 Filed 7–7–72;8:45 am]