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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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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration.

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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.

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Title 3—The President
PROCLAMATION 4145

Citizenship Day and Constitution Week, 1972

By The President of The United States of America

A Proclamation

One hundred and eighty-five years ago a group of determined and purposeful men assembled in Philadelphia and signed the Constitution of the United States. They gave form to our ideals of self-government, and laid the foundation for a community of free people in which the inalienable right to life, liberty, and the pursuit of happiness could flourish.

The world has changed greatly since then. But their work has endured, as a source of strength to America and of inspiration to the world. As a representative democracy, the United States has prospered beyond man's wildest dreams and has become a shining symbol of freedom for men and women everywhere. Within the framework of this fundamental law, our people enjoy the rights, the freedoms and the exercise of responsibilities to which people everywhere aspire.

The Constitution of the United States is no mere impersonal doctrine. It is an instrument of our people. Its vitality and meaning depend upon the purpose and the energy of all of our citizens.

President Grover Cleveland said: "I indulge in no mere figure of speech when I say that our nation *** lives in us—in our hearts and minds and consciences. There it must find its nutriment or die. This thought more than any other presents to our minds the impressiveness and responsibility of American citizenship. The land we live in seems to be strong and active. But how fares the land that lives in us?" Today it is the land that lives in us which will determine the course of this Nation.

On February 29, 1952, the Congress approved a joint resolution (66 Stat. 9) setting aside the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution of the United States on September 17, 1787, and in recognition of all who, by coming of age or by naturalization, had attained citizenship during the year. On August 2, 1956, the Congress approved a second
joint resolution (70 Stat. 932), requesting the President to designate
the week beginning September 17 of each year as Constitution Week.

NOW, THEREFORE, I RICHARD NIXON, President of the
United States of America, direct the appropriate Government officials
to display the flag of the United States on all Government buildings on
Citizenship Day, September 17, 1972. I urge Federal, State, and local
officials, as well as all religious, civic, educational, and other interested
organizations to make arrangements for impressive, meaningful pageants
and observances on that day to inspire all our citizens to rededicate
themselves to the services of their country and to the support and defense
of the Constitution.

I also designate the period beginning September 17 and ending Sep­
tember 23, 1972, as Constitution Week; and I urge the people of the
United States to observe that week with appropriate ceremonies and
activities in their schools and churches, and in other suitable places, to
the end that our citizens, whether they be naturalized or natural-born,
may have a better understanding of the Constitution and of the rights
and responsibilities of United States citizenship.

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

[FR Doc. 72–12358 Filed 8–3–72; 12:31 pm]
Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Secretary to the Secretary is expected under Schedule C. Effective on publication in the Federal Register (6-5-72), § 213.3315(a) (27) is added as set out below.

§ 213.3315 Department of Labor.

(a) Office of the Secretary. * * *

(27) One Secretary to the Secretary. * * * * * *


UNITED STATES CIVIL SERVICE COMMISSION

[PSAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FED Doc. 72-12244 Filed 8-4-72; 8:45 am]

Title 7—AGRICULTURE

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

[Lemon Reg. 545]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.845 Lemon Regulation 545.

(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 regulations and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 1, 1972.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 6, 1972, through August 12, 1972, is hereby fixed at 265,000 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.

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


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

[FED Doc. 72-12402 Filed 8-4-72; 8:50 am]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Limitation of Handling

Notice was published in the Federal Register issue of July 27, 1972 (37 F.R. 15855), that the Department was giving consideration to a proposal which would limit the handling of Beurre D'Anjou and Winter Nels varieties of pears grown in Oregon, Washington, and Cali­fornia by establishing regulations, pursuant to the applicable provisions of the marketing order, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D’Anjou, Beurre Bosc, Winter Nels, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Interested persons were afforded opportunity to file written data, views or arguments thereon. None were filed.

The regulation recommended by the Control Committee reflects its appraisal of the winter pear crop and the current and prospective market conditions. Ship­ments of winter pears were expected to begin on or about August 7, 1972. The grade and size requirements provided herein are necessary to prevent the handling of such pears, of lower grades and smaller sizes than those herein specified so as to provide consumers with good quality fruit consistent with the declared policy of the act. The handling of fresh pears of the aforementioned varieties would be regulated, except in the Medford District, by limiting shipments of such pears to those meeting the size and grade requirements hereinafter specified. The specifications applicable to Beurre D’Anjou variety would permit the handling of such pears bearing limited damage from skin punctures; however, this limiting factor on market desirability would be beneficially offset by the accompanying requirements that any pears thus affected be of the specified higher grade and larger size. The limited quality and volume of the crop of Beurre D’Anjou and Winter Nels varieties in the Medford District is such that imposition of the grade and size requirements specified herein for the other districts would unduly restrict the amount of such varieties available for shipment from that district and it would be administratively impracticable to provide relief through individual grower exemptions. The core temperature requirement for Beurre D'Anjou pears shipped from the specified districts before October 15, 1972, will assure proper ripening conditions for such pears. Similar State requirements are in effect for such pears shipped from the California districts.
After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Control Committee and upon other available information, it is hereby found that the limitation of handling of Beurre D'Anjou and Winter Nelis varieties of pears are expected to begin on or about the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of regulation until public hearings have been concluded after publication in the Federal Register (5 U.S.C. 553) in that (1) shipments of Beurre D'Anjou and Winter Nelis varieties of pears are expected to begin on or about the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the Federal Register (37 F.R. 15001), and no objection to this amendment or similar varieties (§§ 51.1300-51.1323 of this title); “155 size,” “160 size,” and “165 size,” shall mean that the pears are of a size not smaller than the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said U.S. Standards, 135, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 8½ inches wide by 8½ inches deep); “very serious damage” shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.


P. A. Nicholson
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B.—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

The regulations issued by Commodity Credit Corporation published in 35 F.R. 10000, 36 F.R. 11594, and 36 F.R. 12509 have been amended as herein provided to clarify the eligibility for price support of Flue-Cured tobacco producers who lease and transfer acreage allotments and marketing quotas pursuant to Public Law 92-311, approved June 6, 1972. Another change is made to eliminate obsolete terminologies.

Since the markets open July 25 and the major amendment clarifies eligibility for price support, it is essential that the amendments be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. The amendments contained herein shall be effective upon publication of this document in the Federal Register (8-5-72).

The amendments are as follows:

7. Section 1464.7 is amended by revising paragraph (a) to read as follows:

§ 1464.7 Eligible producer.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is eligible for sale under U.S. marketing quotas. All producers of any kind of tobacco for which marketing quotas have been terminated are eligible producers during the periods for which the terminations are effective. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to acreage allotments and marketing quotas, he may transfer acreage allotments for the applicable marketing year, a marketing card has been issued for his farm which does not bear the words, “No Price Support,” or with respect to which he has been issued for his farm which does not bear the words “No Price Support” or which, if for other than Flue-Cured or Burley tobacco, is designated a “Within Quota” marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards which do not bear the words “No Price Support” or which, if for other than Flue-Cured or Burley tobacco, are designated “Within Quota” marketing cards, where (1) pesticides containing DDT and TDE have not been applied to the field or after being harvested, (2) tobacco is not produced on land owned by the Federal Government, (3) the farm is in compliance with the provisions of Part 718 of this title with respect to acreage and certifications, (4) the acreage did not exceed the allotment.

2. Section 1464.8 is amended by revising subparagraph (2) of paragraph (b) to read as follows:

§ 1464.8 Eligible tobacco.

(b) (2) If other than Flue-Cured or Burley tobacco, a marketing card which is designated a “Within Quota” marketing card;

Effective date. Upon publication in the Federal Register (8-5-72).
Title 14—AERONAUTICS AND SPACE
Chapter I—Federal Aviation Administration, Department of Transportation
[Airspace Docket No. 72-8W-27]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On May 19, 1972, a notice of proposed rule making was published in the Federal Register (37 F.R. 10078) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations which would establish temporary restricted area at White Sands Proving Grounds, N. Mex., and alter the description of the continental control area in order to reflect the establishment of the restricted area.

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

In order to more clearly define this restricted airspace, R-5116A, as proposed in the notice of proposed rule making is subdivided into two areas (R-5116A and R-5116B) along the Socorro VOR-TAC 1677347° M radials.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 C.M.T., October 1, 1972, as hereinafter set forth:

1. In § 73.51 (37 F.R. 2361) the following restricted areas are added:

R-5116A WHITE SANDS PROVING GROUNDS, N. MEX.

Boundaries: Beginning at lat. 33°53'40" N., long. 106°49'12" W.; to lat. 34°00'36" N., long. 106°49'12" W.; to lat. 34°00'36" N., long. 106°49'12" W.; to point of beginning.

Designated altitudes: Surface to FL 300.

Time of designation: Sunrise to sunset, October 1, 1972, through March 31, 1973, as published in NOTAM's at least 12 hours in advance of any anticipated use.

Controlling agency: Commander, Air Force Special Weapons Center, Kirtland AFB, Albuquerque, N. Mex.

2. In § 71.151 (37 F.R. 2045) the following is added:

R-5116A WHITE SANDS PROVING GROUNDS, N. MEX.

R-5116B WHITE SANDS PROVING GROUNDS, N. MEX.

(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. 1588(c))

Issued in Washington, D.C., on August 1, 1972.

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

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-418; Order No. 431-A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Issuance of Limited-Term Certificates for an Indefinite Period

JULY 31, 1972.

By Order No. 431 issued April 15, 1971, in Docket No. R-418, 45 FPC 570, the Commission promulgated § 2.70 of its General Policy and Interpretations to provide that jurisdictional pipeline companies should "take all steps necessary for the protection of as reliable and adequate natural gas supplies and capacities will permit during the 1971-72 heating season and thereafter * * *" Among those steps the Commission provided that it would consider limited term certificates for sellers of gas to pipelines to meet 1971-72 demands when the pipeline could demonstrate emergency need after complying with other provisions of § 2.70. Through June 30, 1972, the Commission issued 58 certificates to jurisdictional pipeline companies for short-term gas purchases. Similar applications, dedicating approximately 227,444,135 Mcf of additional gas to the interstate market, were pending as of June 30, 1972.

In order that short-term purchases may continue for the satisfaction of...
Nitroglycerin Preparations: Packaging Requirements and Statements Directed to Pharmacist and Patient

A notice was published in the Federal Register of March 1, 1972 (37 F.R. 4918), proposing certain packaging requirements and warnings for nitroglycerin drug preparations. The notice provided 60 days for the filing of comments.

Comments were received from six pharmaceutical organizations, one of which was representing the Law Enforcement Committee of the National Association of Boards of Pharmacy, the United States Pharmacopeia, and the United States Pharmacopeia and Convention of the United States Pharmacopeia. A general hospital, a pharmacist, and a plastic container manufacturer.

There was no opposition to the basic principle of providing assurance that nitroglycerin preparations have the declared potency at the time of use by the patient. However, there were objections to specific provisions of the proposal and suggestions were made for wording of the warning statements. Several of those commenting requested exemption from the provisions of the proposed statement of policy without commenting on the specific requirement of the proposed statement.

The comments and responses to these comments may be summarized as follows:

1. The preamble to the proposal reflected the effort of the Food and Drug Administration and the United States Pharmacopeia for coordinated action to resolve the stability problems of nitroglycerin preparations resulting from packaging deficiencies. One comment, however, expressed concern that the requirements of the two organizations might not fully agree.

The United States Pharmacopeia and the Food and Drug Administration, after laboring on the draft proposal and after having considered all the comments in response to their respective proposals have developed compatible requirements for nitroglycerin preparations. The difference is that the Food and Drug Administration requires glass containers, whereas the United States Pharmacopeia specifies tight containers, preferably of glass.

The Food and Drug Administration has provided that on the basis of adequate evidence of the suitability of other containers, the statement of policy will be amended to include such containers. Therefore, with the submission of adequate data, containers other than glass may be used.

2. Objections were raised by two of those commenting that pharmacists should be allowed to dispense from the original container and repackage into glass containers. Along this same line, several comments concerned the packaging in containers of 100 tablets only; this was considered as placing an undue restriction on the physician, the pharmacist, and the patient in instances where 100 dosage units exceeds the patient's needs.

Data have shown that multiple openings of containers results in increasing losses of nitroglycerin. Therefore, the Commissioner of Food and Drugs concludes that limiting the number of dosage units and dispensing of the original unopened container is necessary to assure the patient's safety.

The 100-unit dosage container is the maximum size, not the only size that can be made available. The Commissioner encourages manufacturers to market nitroglycerin preparations in containers of less than 100 tablets, to be a convenience to physicians, pharmacists, and patients, and, more importantly, to provide the ability to retain flexibility in quantities prescribed consistent with the patient's rate of use.

3. Several comments opposed the requirement that the drug be stored in a cool place. The objections were primarily that require politicians in tablets, which is an alternate method of storage when directed to store in a cool place (U.S. Pharmacopeia XVIII), may cause an adverse effect on the tablets due to condensation. Based on the comments and discussions with United States Pharmacopeia representatives, available data, and opinions from appropriate laboratory experts, the Commissioner concludes that there is adequate evidence that nitroglycerin stored at controlled room temperature as defined in the U.S.P. will retain its potency. The storage and warning requirements for nitroglycerin preparations have been revised accordingly.

4. One comment stated that the 30-day period for implementation of the labeling provisions was insufficient time, to prepare new labeling when verbatim and thus effectiveNitroglycerin preparations.

The volatility of nitroglycerin has been recognized for many years, and consequently packaging requirements for nitroglycerin preparations are now established, this section will be amended to provide for such packaging. Until such time as all glass containers are approved, only containers of glass are considered for the packaging of nitroglycerin preparations.

Having considered the comments the Commissioner concludes that the proposal with revisions and changes made to the labeling statement, should be adopted as set forth below:

Therefore, pursuant to provisions of the Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 701, 52 Stat. 1949-53 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 351, 352, 355, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 3 as amended by adding a new section as follows:

§ 3.90 Nitroglycerin for human use; packaging and warnings.

(a) Nitroglycerin preparations have long been used under medical supervision for the management of angina pectoris. The volatility of nitroglycerin has been recognized for many years, and consequently packaging requirements for nitroglycerin preparations have been established.

The recent trend toward packaging containers of nitroglycerin tablets in glass presents new problems because of the different properties of such materials. Recent information, including laboratory data, available to the Food and Drug Administration indicates that even though no provisions were made to inform the user that his filled prescription should be kept in a tight container. The new container is likely to be more effective than nitroglycerin tablets for sublingual use, and therefore glass containers and warning to the patient are unnecessary. The Commissioner encourages manufacturers to incorporate their comments with data. The data submitted will be reviewed by the Food and Drug Administration and the interested parties will be notified of the evaluation in writing.

The following is the text of the proposed statement of policy to be included in the United States Pharmacopeia for the management of angina pectoris.

1. Nitroglycerin is to be effective September 1, 1972. The Commissioner concludes that the pharmacist will be able to label them in the original container and repack into glass.

Federal Register, Vol. 37, No. 152—Saturday, August 5, 1972
result in a substantial loss of nitroglycerin. The Food and Drug Administration’s studies indicate that commonly used plastic containers are of such kinds that packaging allow appreciable evaporation of nitroglycerin from nitroglycerin tablets.

(b) The Commissioner views these findings as raising serious questions concerning the packaging practices for nitroglycerin preparations and their relationship to the potency characteristics of the drug at the time of dispensing and use by the patient. Stability studies with containers other than glass are needed before reasonable assurance can be made that packaging and storage in these containers does not contribute to the loss of nitroglycerin in any dosage form.

(c) The following packaging and labeling is required for preparations containing nitroglycerin:

(1) Preparations containing nitroglycerin shall be packaged in tight (as defined in the United States Pharmacopeia) glass containers with tightly fitting metal screw caps or in containers of material that is equivalent to the Food and Drug Administration. No more than 100 dosage units shall be packaged in any such container.

(2) In addition to other required labeling information, the following shall be displayed on the container in a prominent and conspicuous manner:

(i) A statement directed to the pharmacist that the drug should be stored under the provisions of § 130.9(d) of this section or submitted for alternate packaging methods.

(ii) A warning to the patient as follows: "Warning. To prevent loss of potency, keep these tablets in the original, unopened container.

(iii) A warning to the patient as follows: "Warning. To prevent loss of potency, keep these tablets in the original container. Close tightly immediately after each use."

(iv) The holder of an approved new drug application for a nitroglycerin preparation shall either submit a supplement to his new-drug application for alternate packaging methods or provide written data, views, or comments, including stability data, to the Food and Drug Administration on the basis of data submitted by interested persons establishing its suitability for packaging of nitroglycerin. Upon review and approval of the alternate packaging this section will be amended to provide for such packaging. The data should be submitted to the Division of Cardiopulmonary Research (BD-110), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852. Such data should be accompanied with a request that an exemption be made as provided for in this paragraph. Until approval for containers other than glass is given by the Food and Drug Administra-

tration, such alternate containers are not considered suitable for the packaging of nitroglycerin preparations.

(2) Any nitroglycerin drug preparation which is shipped or dispensed within the jurisdiction of the Act and contrary to the provisions of this section after its effective date will be the subject of regulatory proceedings.

Effective date. This order shall become effective upon publication in the Federal Register (8-5-72).

(See 409(e)(1), 72 Stat. 1788; 21 U.S.C. 348(c)(1))


SAM D. FINE, Associate Commissioner for Compliance.

[F.R. Doc. 72-12245, Filed 8-4-72; 8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 681936) filed by Mohawk Industries, Inc., 44 Station Road, Sparta, N.J. 07871, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for 'the safe use of cyclohexanone-formaldehyde resin in coatings and other components of articles intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xxxi) is amended by alphabetically adding to the list of miscellaneous materials a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * *

(b) * * *

(3) * * *

(xxxi) Miscellaneous materials:

* * *

Cyclohexanone-formaldehyde resin produced when 1 mole of cyclohexanone is reacted with 1.56 moles of formaldehyde such that the finished resin has an average molecular weight of 600-610 as determined by ASTM Method D2565. For use only in contact with nonalcoholic and nonfatty foods under conditions of use E, F, and G, as described in table 2 of § 121.2514(d).

* * *

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 a request that an exemption be made as provided for in this paragraph. Until approval for containers other than glass is given by the Food and Drug Adminis-

20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the Federal Register (8-5-72).

(See 409(e)(1), 72 Stat. 1788; 21 U.S.C. 348(c)(1))


SAM D. FINE, Associate Commissioner for Compliance.

[F.R. Doc. 72-12246 Filed 8-4-72; 8:45 am]
RULES AND REGULATIONS

Subpart 3—3.4—Types of Contracts

Sec. 3-3.405 Cost-reimbursement type contracts.

3-3.405-3 Cost-sharing contract.

Authority: The provisions of this Subpart 3—3.4 issued under 5 U.S.C. 301; 40 U.S.C. 486(e).

2. New Subpart 3—3.4 is added as follows:

**Subpart 3—3.4—Types of Contracts**

§ 3—3.405 Cost-reimbursement type contracts.

§ 3—3.405-3 Cost-sharing contract.

(a) Purpose. This regulation prescribes policy relative to cost sharing in research contracts supported by HEW Programs in accordance with Office of Management and Budget (OMB) Circular A-100, as amended. OMB Circular No. A-100 was issued to provide guidance on the use of cost sharing in research grants is set forth in Chapter 2—140 of the HEW Grants Administration Manual.

(b) Background. OMB Circular No. A-100 was issued to provide guidance for determining:

1. The amount of cost sharing to be obtained when cost sharing is required by statute; and
2. Whether contractors should be requested to participate in the cost of the research even though cost sharing is not required by statute and, if so, in what amount.

(c) Policy. (1) In addition to utilizing cost-sharing type contracts when required by statute, the desirability of utilizing this type of contract should also be considered under certain circumstances when not required by statute. Contractors should be encouraged to contribute to the cost of performing research where there is a probability that the performance will result in greater technical know-how, training to employees, acquisition of equipment, use of background knowledge in future contracts, etc. Cost sharing is intended to serve the mutual interest of the Government and the performing organization by helping to assure efficient utilization of the resources available for the conduct of research projects and by promoting sound planning and prudent fiscal policies by the performing organization. If cost sharing is not required by statute, encouragement should be given to organizations to contribute to the cost of performing research under research contracts unless the contracting officer determines that a request for cost sharing would not be appropriate because of the following circumstances:

(i) The particular research objective or scope of effort for the project is specified by the Government rather than proposed by the performing organization. This would usually include any formal Government requests for proposals for a specific project.

(ii) The research effort has only minor relevance to the non-Federal activities of the performing organization, and the organization is proposing to undertake the research primarily as a service to the Government.

(iii) The contractor would have little or no non-Federal sources or funds from which to make a cost contribution. Cost sharing should generally not be requested if cost sharing should mean that the Government would have to provide funds through other means (such as fees) to enable the contractor to cost share. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to make a cost contribution.

(b) When cost sharing is negotiated on a contract by contract basis, the responsibility of negotiating the cost-sharing arrangement is that of the contracting Officer. In the case of institutional cost-sharing arrangements (see paragraph (f) of this section) the responsibility for negotiating cost sharing is that of the Office of Grants Administration of the Services and Mental Health Administration. Each research contract file should show whether the contracting officer considered cost sharing appropriate for that particular contract and, except when an institutional cost-sharing arrangement is applicable, in what amount. If cost sharing was not considered appropriate, the file should be labeled accordingly for that decision, e.g., “Because the contractor will derive no benefits from this award that can be applied to his commercial activities, cost sharing is not considered appropriate for this contract...” The contracting officer may wish to coordinate with the project officer before documenting his decision.

(c) If the contracting officer considers cost sharing to be appropriate for a research contract and the contractor refuses to accept this type of contract, the award may be made without cost sharing except when cost sharing is required by statute. The cost sharing officer considers cost sharing a less cost sharing than in cases in which the contractor accepts the cost sharing terms of the contract as issued; (ii) the contractor proposes to perform the research primarily as a service to the performing organization and the contractor will have little or no non-Federal sources of funds from which to make a cost contribution.

(d) Amount of cost sharing. When cost sharing is required by statute or determined to be appropriate, the following guidelines shall be utilized in determining the amount of cost participation by the contractor except where a institutional cost-sharing agreement is applicable (see paragraph (f) of this section).

(1) Cost participation by educational institutions and other non-for-profit or non-commercial organizations shall be at least 1 percent of total project cost. In many cases cost sharing of less than 5 percent of total project cost would be appropriate in view of the organizations’ nonprofit status and their normally limited ability to recover the cost of such participation from non-Federal sources. However, in some cases it may be appropriate to use institutional incentives to provide a higher degree of cost sharing, such as when the cost of the research consists primarily of the academic year salary of faculty members or when the project is in such a manner as to benefit the institution for the project will be of significant value to the institution in its educational activities. These percentages listed above are not intended as a substitution for those set forth in any legislation and are not to be used in lieu of those contained in such legislation.

(2) The amount of cost participation by commercial or industrial organizations should depend to a large extent on whether the research effort or results are likely to enhance the performing organization’s capability, expertise, or competitive position, and the value of such enhancement to the performing organization. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to derive a monetary benefit from their research under Federal agreements. Therefore, cost sharing for such organizations could reasonably range from as little as 1 percent or less of the total project cost, to more than 50 percent of total project cost.

(e) Non-Federal organizations would not acquire title to or the right to use inventions, patents or technical information resulting from the research project so that the contractor will receive little or no non-Federal sources of funds from which to make a cost contribution.
mutual agreement of the parties: Provided, That it is consistent with any statutory requirements.

(e) Method of cost sharing. Cost sharing or contribution to cost may be accomplished either by a contribution of part or all of one or more elements of allowable cost of the work being performed, or by a fixed amount or stated percentage of the allowable cost of the project. Costs so contributed may not be charged to the Government unless it is consistent with any statutory requirements.

(ii) a contribution, even if nominal, is therefore applicable only to grants awarded contracts.

(3) (i) The Health Services and Mental Health Administration shall provide the Office of Grants Management, HSMSA, with data to facilitate the Department's efforts to maintain current listings of institutional cost-sharing agreements, indicating the date on which they were individually negotiated, the following clause shall be used:

COST SHARING UNDER INSTITUTIONAL AGREEMENT

This contract is subject to an Institutional Cost-Sharing Agreement which became effective with respect to HEW research contracts on __________, and the Contractor agrees that the Government shall not bear the entire cost of the work hereunder.

(2) The institutional cost-sharing agreements establish an overall sharing ratio applicable to the aggregate of all covered projects. Individual awards will incorporate the institutional agreement, the following clause shall be used:

COST SHARING UNDER INSTITUTIONAL AGREEMENT

This contract is subject to an Institutional Cost-Sharing Agreement which became effective with respect to HEW research contracts on __________, and the Contractor agrees that the Government shall not bear the entire cost of the work hereunder.

Cost sharing has been individually negotiated, the following clause shall be used. The clause may be modified to fit specific circumstances.

COST SHARING

The Contractor agrees to share in the cost of the work hereunder to the extent of not less than __________ percent of the total cost to the Government. Such records shall be subject to audit. Costs contributed by Contractor shall not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

(h) Contract award. In accordance with the Department's objectives of competition in procurement and support of the Materiel Management Program, award of contracts should not be made solely on the basis of ability or willingness to cost share. (Awards should be made primarily on the contractor's competence and only adequate competition has been obtained among large and small business organizations whenever possible.) The offeror's willingness to share costs should not be considered in the technical evaluation process but as a business consideration, which is secondary to selecting the best qualified source.

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

PART 3-75—DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to bring published delegations of authority into conformity with current organizational structure, designations, and administrative practices. Certain provisions pertaining to special types of procurement are also updated.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment involves minor technical matters. Therefore, the public rule making process is deemed unnecessary in this instance.

1. Subpart 3-4.51, Paid Advertising, is revised to read as follows:

Subpart 3-4.51 Paid Advertising

Sec. 3-4.5100 Scope of subpart.


§ 3-4.5101 Policies and procedures.

(a) Authority to purchase paid advertising must be granted in writing by an official delegated such authority. (See Subpart 3-75.3 of Part 3-75 of this Part.) No advertisement, notice of proposal will be issued prior to receipt of advanced written authority for such publication. No voucher for any such advertisement or publication will be paid unless there is presented, with the voucher, a copy of such written authority.

§ 3-4.5102 Requests for procurement of advertising shall be accompanied by written authority to advertise or publish which sets forth justification and includes the names of newspapers or journals concerned, frequency and dates of proposed advertising, estimated cost, and other pertinent information.

§ 3-4.5103 Paid advertisements shall be limited to publication of essential details of invitations for bids and requests for proposals including those for the sale of personal property, and for the recruitment of employees.
§ 3–75.101 Authority delegated.

(a) Heads of procuring activities may delegate, with or without power of re-delegation, the authority delegated by § 3–75.102 to subject limitations stipulated in the Federal Procurement Regulations, and regulations of this Department.

(b) Personnel delegated responsibilities for procurement functions must possess a level of experience, training, and ability commensurate with the complexity and magnitude of procurement actions involved.

(c) Copies of redelegations by the heads of the procuring activities shall be provided to the Office of Procurement and Materiel Management, OASAM.

§ 3–75.104 Limitations.

(a) Determinations and findings required by § 1–3.211 of this title for contracts in excess of $25,000 and by §§ 1–3.212, 1–3.112, and 1–3.104 of this title, shall be made by the Assistant Secretary for Health and Scientific Affairs (when health programs are involved), the Assistant Secretary for Education (when education programs are involved), and the Assistant Secretary for Administration and Management (where other programs are involved). Such determinations and findings shall be prepared and submitted as prescribed in Subpart 3–3.3 of Part 3–3 of this chapter.

(b) Determinations with respect to the application of the provisions of 10 U.S.C. 2353(b)(3) and 10 U.S.C. 2364 shall be made by the Assistant Secretary for Health and Scientific Affairs. Such determinations and findings shall be prepared and submitted as prescribed in Subpart 3–3.3 of Part 3–3 of this chapter.

(c) Each proposed determination shall be approved only by the head of the procuring activity or his designee(s) subject to and in accordance with Subpart 3–3.3 of Part 3–3 of this chapter.

(d) Any other required determinations and findings shall be made by the head of the procuring activity or his designee(s) subject to and in accordance with Subpart 3–3.3 of Part 3–3 of this chapter.

§ 3–75.104–2 Fixed fee.

(a) Proposed fees under cost-plus-a-fixed-fee contracts which exceed the following shall be approved only by the head of the procuring activity or his designee:

(1) 10 percent of the estimated cost, exclusive of fee, of any cost-plus-a-fixed-fee contract.

(2) 7 percent of the estimated cost, exclusive of fee, of any other cost-plus-a-fixed-fee contract.
I initial costs of operation.

The Act of February 9, 1927, will be eligible for a grant, under the Act of February 9, 1927, 44 Stat. 1066, Mental Health Act (42 U.S.C. 295f-l), to assist new schools of medicine, osteopathy, or dentistry pursuant to section 771(a)(1) of the Public Health Service Act (42 U.S.C. 295f—1), as amended; 42 U.S.C. 216; sec. 771(a), 85 Stat. 443, 42 U.S.C. 295f—1.

Title 42—PUBLIC HEALTH

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

Grants To Assist New Schools of Medicine, Osteopathy, and Dentistry

Notice of proposed rule making, public solicitation, and post¬
date of effective date have been omitted within statutorily prescribed maximums, consistent with the terms and conditions of any relevant material received not later than 30 days after publication of these regulations in the Federal Register will be considered.

The regulations set forth below shall become effective upon the date of publication in the Federal Register (8—5—72).

Dated: July 6, 1972.

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

Approved: July 28, 1972.

ELIOT L. RICHARDSON,
Secretary.

Part 57 is amended by adding thereto a new Subpart O as follows:

Subpart O—Grants To Assist New Schools of Medicine, Osteopathy, and Dentistry

Sec. 57.1401 Applicability.
57.1402 Definitions.
57.1403 Eligibility.
57.1404 Application.
57.1405 Determination of number of students.
57.1406 Grant awards.
57.1407 Payments.
57.1408 Expenditure of grant funds.
57.1409 Nondiscrimination.
57.1410 Inventions and discoveries.
57.1411 Publications and copyright.
57.1412 Grantee accountability.
57.1413 Records, reports, inspection, and audit.
57.1414 Additional conditions.
57.1415 Early termination and withholding of payments.


§ 57.1401 Applicability.

The regulations of this subpart are applicable to the award of grants under section 771(a)(1) of the Public Health Service Act (42 U.S.C. 295f—1) to assist new schools of medicine, osteopathy, or dentistry in meeting their initial costs of operation.

APPLICATION.

(a) “Act” means the Public Health Service Act as amended.

(b) “Secretary” means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated, as determined by the new school.

(c) “School” means a public or other nonprofit school of medicine, dentistry, or osteopathy, which provides or will provide a course of study or portion thereof which leads, respectively, to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, or doctor of osteopathy, and with respect to which there has been a reasonable finding regarding accreditation as provided in section 775(b)(2) (A) of the Act.

(d) “Full-time student” means a student who is enrolled or is expected to be enrolled in a new school on a full-time basis, as determined by the new school, and is pursuing a course of study lead¬ing to a degree specified in paragraph (c) of this section.

(e) First academic year of operation means the first year in which the school provides instruction to students.

(f) “Council” means the National Advisory Council on Health Professions Education (established by section 726 of the Act).

(g) “Fiscal year” means the Federal fiscal year beginning July 1 and ending on the following June 30.

(h) “Project period” means the time (not exceeding 4 years) for which sup¬port for startup assistance has been ap¬proved, as specified in the grant award document.

§ 57.1403 Eligibility.

(a) To be eligible for a grant for start¬up assistance under the Act, the appli¬cant must:

(1) Be a new school as provided in paragraph (b) of this section;

(2) Furnish the Secretary such rea¬sonable assurances as he may require to make a determination that the school will enroll at least 24 full-time students in its first academic year of operation; and

(3) Be located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territories of the Pacific Islands.

(b) For purposes of this section a school shall be considered a “new school” in the fiscal year preceding the first year in which such school has students enrolled and for the following 3 fiscal years, provided that such school began instruc¬tion after November 18, 1971.

§ 57.1404 Application.

(a) Each school desiring a grant for startup assistance shall submit an appli¬cation in such form and at such time as the Secretary may require.

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

(c) Such application shall state the purposes for which the application is made, and shall contain a budget and a narrative plan of the manner in which
with respect to such enrollment may be on such other date as may be mutually agreed upon. Estimates by the Secretary with respect to such enrollment may be made on the basis of assurances provided by such school.

§ 57.1406 Grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will in his judgment best promote the purposes of section 771(a) of the Act, taking into consideration:

(1) The relative merit of the applicant's plan;

(2) The other resources available to the applicant to assure the sound establishment and continuing maintenance of the school;

(3) The ability of the new school to use grant assistance to (i) accelerate the date it will begin instruction; or (ii) increase the number of students in its entering class over the number to be enrolled if grant assistance is not available. In addition, special consideration will be given to new schools which provide reasonable assurance that, because of the use the new school will make of existing facilities, including Federal medical or dental facilities, it will be able to accelerate the date it will begin its teaching program.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the cost of startup assistance, but shall not exceed the following amounts:

(1) For the year preceding the first year in which students are enrolled, $7,500 times the number of full-time students enrolled in the school in the first year of operation;

(2) For the first year in which students are enrolled, $7,500 times the number of full-time students enrolled in the school;

(3) For the second year in which students are enrolled; $5,000 times the number of full-time students enrolled in the school; and

(4) For the third year in which students are enrolled, $2,500 times the number of full-time students enrolled in the school.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted and the period (not to exceed 4 years) for which such funds will be available for obligation by the grantee.

(d) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award.

§ 57.1407 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.1408 Expenditure of grant funds.

Any funds granted pursuant to this subpart shall be expended solely for costs of startup assistance in accordance with the applicable provisions of the Act, the regulations of this subpart, and the terms and conditions of the award. Any unobligated funds remaining in the grant account at the end of the last budget period of the project period any unobligated funds remaining in the grant account shall be refunded to the Federal Government.

§ 57.1409 Non-discrimination.

(a) Attention is called to the requirements of section 770A of the Act and 45 CFR Part 83 which together provide that the Secretary may not make a grant loan guarantee, or interest subsidy payment under title VII of the Act to, or for the benefit of, any School of Medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel or any other entity that is in the business of making a profit, any other entity that is of a durable nature, and has self, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in Chapter 1-410-50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported to the Secretary with the approval of the President (45 CFR Part 80).

(b) Grant funds used for remodeling, alteration, or repairs shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 F.R. 12319 (September 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.1410 Inventions and discoveries.

Any grant award pursuant to § 57.1406 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee to assure that the grantee or its subrecipient are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained by the grantee in accordance with the applicable provisions of the Act, the regulations of this subpart, and the terms and conditions of the award. Any unobligated funds remaining in the grant account at the end of the last budget period of the project period any unobligated funds remaining in the grant account shall be refunded to the Federal Government.

§ 57.1411 Publications and copyright.

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

§ 57.1412 Grantee accountability.

(a) Accounting for grant award payments. All payments made by the Secretary for the support of any grantee funded by grant in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the total amount of all funds by presenting or otherwise making available evidence satisfactory to the Secretary to account for the amount expended in accordance with the requirements of this subpart.

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

1. The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and regional office information centers listed in 45 CFR 442.
(1) Retention of equipment for other health projects. Material may be used, without adjustment of accounts, on other grant-supported projects (whether or not federally supported) within the scope of section 771(a) of the Act, and no other accounting for such material shall be made. Determined by the Secretary in the grant award.

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

(2) Final settlement. There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraph (a) of this section; (ii) any credits for material on hand as provided in paragraph (b) of this section; (iii) any credits for earned interest pursuant to paragraph (c) of this section; and (iv) any other settlements required pursuant to paragraph (e) (2) and (3) of this section. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided.

§ 57.1413 Records, reports, inspection, and audit.

(a) Records and reports. Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of section 771(a) of the Act and the regulations of this subpart. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 9 years after the close of the budget period, or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 8-year period, records shall be retained until resolution of all such questions.

(b) Inspection and audit. Any application for a grant award under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and to interv\n
§ 57.1415 Early termination and withholding of payments.

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

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Title 43—PUBLIC LANDS: INTERIOR

PART 2—RECORDS AND TESTIMONY

Subtitle A—Office of the Secretary of the Interior

Denial of Public Access

On June 14, 1972, notice of a proposed addition of paragraph (c) to 43 CFR 2.2 regarding a requirement that officers and employees in replying to written requests by a member of the public to inspect or receive copies of records of the Department of the Interior advise the applicant in writing if the request is denied of the reasons therefor and of the applicant’s right of appeal to the Solicitor. Interested persons were given 30 days in which to submit written comments.

MITCHELL MELICH, Solicitor.

JULY 23, 1972.

The following paragraph (c) is added to § 2.2:

§ 2.2 Determinations as to availability of records.

(c) All replies by officers or employees of the Department of the Interior to written requests denying a member of the public an opportunity to inspect or receive copies of records of the Department shall advise the applicant, in writing, of the reason for the denial and of the right of appeal to the Solicitor.
Title 45—PUBLIC WELFARE

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

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance

Part 233 of Chapter II of Title 45 of the Code of Federal Regulations is amended in accordance with section 9 of Public Law 92–213, approved December 22, 1971, which pertains to the limitation of 25 percent of the family income as the maximum amount which can be charged as rent in low-rent housing. This section provides that any rent reductions required by the 25-percent limitation shall be passed along to the assistance recipient notwithstanding the requirements in the Social Security Act.

Notice of proposed rule making has been dispensed with for good cause. The regulation merely implements the requirements of law, and delay would be contrary to the interest of the assistance program and the recipients.

However, since this regulation deals with a matter of broad public concern, interested parties may submit written comments and suggestions to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication in the Federal Register.

Comments will be evaluated and acted upon in the same manner as if this document were a proposal. However, until the comments are evaluated and the regulation is revised, it shall remain effective.

Comments received will be available for inspection in Room 5121 of the Department’s offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area Code 202—963-7361.)

In § 233.20(a), subparagraph (2) is amended by adding a new subdivision (vii) to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(2) Provide that assistance payments to any tenant or group of tenants in low-rent housing will not be reduced because of the rent reduction resulting from the application of the not more than 25 percent of income rent limitation in section 2(1) of the U.S. Housing Act of 1937 as amended, 42 U.S.C. 1402(1). Under this requirement, if a State provides for shelter on an “as paid” basis, the amount recognized for shelter for a public housing tenant is the amount that would have been recognized on December 22, 1971, for a tenant in the same assistance program with like family composition living in the public housing unit.

* * *

(Section 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. States must submit plan amendments implementing this regulation no later than 60 days after publication in the Federal Register.

Dated: June 29, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: July 28, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc. 72–12277 Filed 8–4–72; 8:47 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 27]

PART 308 WAR RISK INSURANCE

Miscellaneous Amendments

Part 308 is hereby amended to reflect the following changes: Amend § 308.6 Period of interim binders and renewal procedure, § 308.106 Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement, § 308.200 Standard form of war risk protection and indemnity insurance interim binder, and § 308.305 Standard form of Second Season’s war risk insurance interim binder, by changing the expiration dates contained therein to read “midnight, September 7, 1972, G.m.t.”

(Section 204, 49 Stat. 1987, as amended; 46 U.S.C. 1302)

Dated: August 2, 1972.

By the order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 72–12297 Filed 8–4–72; 8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19360]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

Listening Watches, Assignment of More Than One Frequency; Correction

In the matter of amendment of Part 81 of the rules concerning the duplication of service by Public Coast Stations; to require justification for assignment of more than one working frequency to Public and Limited Coast Stations; and to require listening watches by Limited Coast Stations on working frequencies.

In the report and order in the above-entitled matter released July 5, 1972, FCC 72–557 (BT. F.R. 3204, July 11, 1972), the change in § 81.304(b) was erroneously located in a new paragraph (t) whereas it should be shown as an addition to paragraph (b) (22). Accordingly, § 81.304(b) (22) is amended to read as follows:

§ 81.304 Frequencies available.

* * *

(22) To the extent practicable, the order of assignment of public correspondence channels will be in accord with the U.S. priority numbering system, as follows:

<table>
<thead>
<tr>
<th>Channel</th>
<th>Frequency</th>
<th>Use Time</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>161,900</td>
<td>157,300</td>
<td>28</td>
</tr>
<tr>
<td>2</td>
<td>161,950</td>
<td>157,350</td>
<td>27</td>
</tr>
<tr>
<td>3</td>
<td>161,900</td>
<td>157,300</td>
<td>24</td>
</tr>
<tr>
<td>4</td>
<td>162,900</td>
<td>157,400</td>
<td>28</td>
</tr>
<tr>
<td>5</td>
<td>161,925</td>
<td>157,250</td>
<td>84</td>
</tr>
<tr>
<td>6</td>
<td>161,975</td>
<td>157,375</td>
<td>87</td>
</tr>
<tr>
<td>7</td>
<td>161,925</td>
<td>157,400</td>
<td>89</td>
</tr>
<tr>
<td>8</td>
<td>161,975</td>
<td>157,375</td>
<td>86</td>
</tr>
<tr>
<td>9</td>
<td>161,925</td>
<td>157,800</td>
<td>83</td>
</tr>
</tbody>
</table>

† Channel 26 will be assigned interchangeability with Channel 26 as the first priority number.

In assigning frequencies in the band 150–162 MHz to a Class III–B Public Coast Station all initial grants will be limited to one working frequency. An additional frequency may be assigned (1) when the assigned working frequency is also used by a foreign station near enough to result in destructive electrical interference by simultaneous operation; or (2) if the channel occupancy of the assigned frequency exceeds 40 percent during its specified busiest hours of operation. An application for assignment of an additional working frequency shall be accompanied by a record of monitorings, or other satisfactory information, to show that for any three periods of 5 consecutive days of station operation, during the 6-month period immediately prior to the filing of the application, the assigned frequency, or frequencies, was in use for exchanging communications at least 40 percent of the time for any 12 hours of daily operation, of which not more than half of the use time may consist of waiting for setup time for calls.

* * *

Released: July 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION

[Seal] BEN F. WILLIAMS

Secretary

[FR Doc. 72–12214 Filed 8–4–72; 8:45 am]
Title 49—TRANSPORTATION
Chapter X—Interstate Commerce Commission
SUBCHAPTER B—PRACTICE AND PROCEDURES
PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210(d)(1) OF THE INTERSTATE COMMERCE ACT

RATES, FARES, CHARGES, AND SPECIAL PERMISSION APPLICATIONS

Ordered. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 26th day of July, 1972.

It appearing, that, under existing procedures, no provision is made for the immediate filing of tariffs of fares for passenger service performed in accordance with emergency temporary authority, and that the necessity of a special permission application for authority to so file can cause undue delay in instituting the emergency service; and for good cause shown,

It is ordered, that §1131.5 of Title 49 Code of Federal Regulations, be, and it is hereby, amended to read as follows:

§1131.5 Rates, fares, charges, and special permission applications.

(a) Rates and fares requirements generally—(1) Motor common carriers. A motor common carrier of property may not lawfully perform transportation until effective rates or charges and provisions are published, posted, and filed with the Commission, as required by section 217 of the Interstate Commerce Act and the Commission’s rules and regulations issued thereunder. Rates or charges to be established upon less than 30 days’ notice must not be less than existing motor common carrier commodity rates or charges on the same commodities in like quantities from and to the same points, or in absence thereof not less than the motor common carrier commodity rates or charges in the same commodities in like quantities from and to nearby points for similar distances. In the absence of existing motor common carrier commodity rates, the rates to be established on less than 30 days’ notice shall not be less than the applicable motor common carrier class rates from and to the same points except as otherwise authorized in paragraph (b) of this section. A motor common carrier of passengers, or a motor common carrier of express, baggage and/or other articles of commerce hereinafter referred to (collectively as property) restricted to the transportation thereof in the same vehicle with passengers, may not lawfully perform transportation until effective rates, fares, and charges are published, posted, and filed with the Commission as required by section 217 of the Interstate Commerce Act and the Commission’s rules and regulations issued thereunder. Fares, rates, and charges, to be established upon less than 30 days’ notice must not be less than existing passenger common carrier fares, rates, and charges, as the case may be, from, and to the same points, or in the absence thereof not less than the passenger motor common carrier fares, rates, and charges. An order for temporary authority to publish rates, fares, and charges must contain the names of motor contract carriers. In the absence of effective commodity rates or charges lower than existing rates, fares, and charges, as the case may be, of such carriers be made on the same or higher basis as those others maintained by the applicant.

(2) Motor contract carriers. A motor contract carrier may not lawfully provide transportation until executed transportation contracts (where required) and effective rates, fares, and/or charges, as the case may be, from, and to the same points, or in the absence thereof not less than the motor common carrier commodity rates or charges from and to nearby points for similar distances. Details instructions on rate, fare, or charge filings, may be obtained from any Bureau of the Commission's office field.

(2) Notice of rate publication required. In most cases there is outstanding special permission authority to publish rates on less than statutory notice covering transportation service by and for the Railway Express Agency and the substitution of motor for rail service. Most tariff publishing agents also have outstanding special permission authority to publish on short notice the scope of operating rights to be granted pursuant to a temporary authority application and to add new participating carriers to their service. The applicant must state whether or not the applicant contains rates, fares, and/or charges lower than existing rates, fares, and charges, as the case may be, of such carriers between the same points or from or to nearby points for similar distances and the application will not be acted upon until such statement shall have been furnished by the applicant to the district supervisor.

(3) Existing rates, fares, and charges. If the statement of the proposed rates, fares, and/or charges, submitted with the emergency temporary authority application contains rates, fares, and/or charges lower than existing rates, fares, and charges, described under paragraph (a) (1) or (2) of this section by the

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named or other carriers, approval will not be recommended or authority granted. All emergency temporary authority will be expressly conditioned on establishing rates, fares, and/or charges, no lower than those set forth in the application, and a "W" tariff or schedule naming rates, fares, and charges other than those set forth in the application will be rejected. Emergency temporary authority will be revoked for failure to file a proper "W" tariff or schedule.

Suspended or special permission rates, fares, or charges. (1) In every case the carrier shall state in its emergency authority application whether there is under suspension at the time any rates, fares, or charges published for its account, or whether an application for special permission authority to file its rates, fares, and charges on less than 30 days' notice has been granted or denied, covering the same traffic from and to the same points in connection with another temporary or permanent authority application. If the applicant has rates, fares, or charges, or other tariff matter under suspension, or has received, or been denied special permission to file on less than 30 days' notice any such rates, fares, or charges not yet effective, covering the same traffic, the district superintendents and approval of the request nor will a grant be made of the emergency temporary authority.

(ii) If applicant carrier has rates, fares, or charges under suspension covering the same traffic, it should file a special permission application as set forth in paragraph (a)(4) of this section, stating a copy was served upon protestant(s) and requesting less-than-statutory notice authority to cancel the suspended matter and to file rates, fares, and/or charges according to paragraph (a)(1) or (2) of this section or, in the alternative, state that the suspended rates, fares, and/or charges conforming with paragraph (a)(1) or (2) of this section to apply during the suspension period of any such rates, fares, and charges to be indicated to expire at the end of the suspension period.

It is further ordered, That, since this amendment constitutes a relaxation of present regulations, notice and public procedure thereon are unnecessary, and since good cause exists for making it effective on less than 30 days' notice, the amendments shall become effective on the date of publication hereof in the Federal Register (8-5-72).

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication therein as notice to all interested persons.

We find that this amendment is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, Secretary.

[FR Doc.72-12221 Filed 8-4-72; 8:45 am]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Special Permission M-60160, Rev. Aug. 7, 1978]

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

Emergency Transportation of Property or Passengers, or Both; Order Regarding Tariffs of Motor Common Carriers


At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 27th day of July 1972.

It appearing, that Special Permission No. M-60160, revised February 25, 1970 (49 CFR 1307.100) authorizes every motor carrier of property to put tariffs containing rates and other provisions covering emergency temporary authority, and supplements extending the expiration dates of such tariffs, into effect without notice other than filing the publications with the appropriate field office of this Commission and posting them for public inspection where required.

It further appearing, that every motor common carrier of property and every motor common carrier of passengers having authority from this Commission to transport property together with passengers or both, and other provisions, must obtain special permission authority each time it wants to establish rates or fares, or both, and other provisions on less than 30 days' notice to cover emergency temporary authority, and it must file every tariff with the Commission in Washington, D.C., all of which delay the beginning of the emergency transportation, resulting in inconveniences and hardships to the public.

It further appearing, that every property and every passenger carrier must obtain special permission authority each time it wants to publish in a tariff on less than 30 days' notice references to an agent's tariffs for existing rates, fares, or other provisions, or combinations thereof, to cover emergency temporary authority;

It further appearing, that requests for the aforementioned special permission authorities have been granted without any objections being registered or instances indicating that such.

It further appearing, that it would be in the public interest to extend the authority in Special Permission No. M-60160, revised February 25, 1970, to include carriers' tariffs containing references to their agents' tariffs and to include carriers of passengers;

And it further appearing, that a notice of proposed rulemaking required by the Administrative Procedure Act (5 U.S.C. 553) is unnecessary since the proposed changes will relax existing regulations;

And good cause appearing therefor:

It is ordered, That Part 1306 of Title 49 of the Code of Federal Regulations be, and it is hereby amended by adding therein § 1306.100, which shall be read as follows:

§ 1306.100 Motor common carriers of property or passengers: Establishment of rates, fares, and other provisions covering emergency transportation of property or passengers, or both.

(a) Departure from sections (rules) authorized. Motor common carriers may depart from the terms of §§ 1307.21 through 1307.47 of this subchapter (Tariffs Circular MP No. 3), and §§ 1306.1 through 1306.16 (Rules 1 through 6 and Rules 9 through 16 of Tariff Circular MP No. 3) to the extent necessary to permit the construction, filing, and posting of original tariffs and supplements in the manner authorized in this section.

(b) General provisions. (1) Subject to the limitations herein, motor common carriers may establish rates or fares, or both, and other tariff provisions covering emergency movements authorized by this Commission under section 210(a) of the Interstate Commerce Act, without further notice prior to acceptance of property or passengers, or both, for transportation other than posting, where required, of an individual tariff (not a looseleaf page) containing such rates or fares, or both, and other provisions, and such tariffs must be, and it is hereby ordered, that such tariffs must:

If a supplement may be issued to a tariff filed under this section only for the purpose of extending the expiration date of the tariff to the date with which the emergency temporary authority is discontinued or an emergency situation has ceased. Such a supplement shall be subject to the posting and filing requirements provided for...
tariffs in subparagraph (1) of this paragraph.

(c) Limitations. (1) Publications issued hereunder may contain only matter pertaining to the emergency temporary authority.

(2) All publications must be issued in the name of the carrier. Each MF-ICC, MP-ICC, and ME-ICC number assigned to a publication shall show a "W" prefix in the following manner:
MF-ICC W (here show number).
MP-ICC W (here show number).
ME-ICC W (here show number).

The first "W" series tariff issued under each of the above designations shall be assigned No. 1. (The abbreviation "No." need not be shown.) Subsequent tariffs shall be numbered consecutively. Property carriers shall show only the "MF ICC W" designation. Passenger carriers shall show either the "MP ICC W" or "ME ICC W" designation.

(3) Each tariff must show on the title page a specific expiration date of not later than 45 days after the effective date of the tariff.

(4) Each tariff referred to by a "W" series must be identified by its MP-ICC, MP-ICC or ME-ICC number, whichever is appropriate as to a tariff.

(5) The carrier must certify in writing to the appropriate field office that it is a participant in each tariff to which its "W" series tariff refers.

(6) When the provisions of a "W" series tariff do not conform to the emergency temporary authority actually granted, another "W" series tariff may be filed hereunder to cancel the first "W" tariff and bring the provisions into conformity with the grant.

(7) Except as otherwise provided in subparagraph (6) of this paragraph, this permission does not authorize the cancellation of any rate, fare, or other provision, and the permission may not be used to establish any rate, fare, or other provision that will conflict with or duplicate any other rate, fare, or other provision.

(8) This permission does not modify any outstanding formal order of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction, filing, and posting of tariff publications.

It is further ordered, That this revision shall become effective August 7, 1972.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 217(c), 49 Stat. 560, as amended; 49 U.S.C. 317(c))

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and that another copy be delivered to the Director, Office of the Federal Register, for publication in the Federal Register as notice to all interested persons.

By the Commission, Special Permission Board.

[SEAL] ROBERT L. OSMUND, Secretary.

[FR Doc.72-12264 Filed 8-4-72;8:45 am]

(Special Permission M-60161, Rev. Aug. 7, 1972)

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Emergency Transportation of Property or Passengers; Order Regarding Schedules of Motor Contract Carriers


At a session on the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 27th day of July 1972.

It appearing, that Special Permission No. M-60161, revised February 25, 1970...
(49 CFR 1307.101) authorizes every motor contract carrier of property to put schedules containing rates and other provisions covering emergency temporary authority, and supplements extending the expiration dates of such schedules to the Commission under Section 1307.101, Motor contract carriers of property may be issued special permission authority by the Commission, subject to the limitations hereafter set forth, either by filing them with the appropriate field office of the Commission and posting them for public inspections where required;

It further appearing, that every motor contract carrier of passengers and every motor contract carrier of passengers having authority from this Commission to transport property together with passengers in the same vehicle, hereinafter referred to as carriers of passengers or passenger carriers (49 CFR 1307.101), must obtain special permission authority each time it wants to establish rates of fares, or both, and other provisions on less than 30 days' notice to cover emergency temporary authority, and it must file every schedule with the Commission in Washington, D.C., all of which delay the motor contract carrier of property to the limitations herein, motor contract carriers may be filed hereunder to cancel the first "W" series schedule and bring the provisions into conformity with the grant.

(b) General provisions.

(1) Subject to the limitations herein, motor contract carriers may establish rates or fares, or both, and other schedule provisions covering emergency moves authorized by this Commission under Section 1307.101, Motor contract carriers of property or passengers may depart from the terms of §§ 1307.0 through 1307.13 of this subchapter (Tariff Circular MP No. 4) and §§ 1306.0 through 1306.16 (Tariff Circular MP No. 3) to the extent necessary to permit the construction, filing, and posting of original schedules and supplements in the manner authorized in this section.

(2) A supplement may be issued to a schedule filed under this section only for the purpose of extending the expiration date of the schedule to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for schedules in subparagraph (1) of this paragraph.

(3) Each schedule must show on the title page a specific expiration date of not later than 45 days after the effective date of the schedule.

(4) Each publication referred to by a "W" series schedule must be identified by its MF-ICC, MP-ICC, or ME-ICC number, whichever is appropriate. A referred-to publication containing both MF-ICC and ME-ICC numbers shall be identified by both numbers.

(5) The carrier must certify in writing to the appropriate field office that it is a participant in each publication to which its "W" series schedule refers.

(6) When the provisions of a "W" series schedule do not conform to the emergency temporary authority actually granted, another "W" series schedule may be filed hereunder to cancel the first "W" series schedule and bring the provisions into conformity with the grant.

(7) Except as otherwise provided in subparagraph (b) of this paragraph, this permission does not authorize the cancellation of any rate, fare, or other provision, and the permission may not be used to establish any rate, fare, or other provision that will conflict with or duplicate any other rate, fare, or other provision.

(8) This permission does not modify any outstanding formal order of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction, filing, and posting of schedule publications.

It is further ordered, That § 1307.101 of Title 49 of the Code of Federal Regulations be, and it is hereby revised to read as follows:

§ 1307.101 Motor contract carriers of property or passengers: Establishment of actual or minimum rates, fares, etc., covering emergency transportation of property or passengers, or both.

(a) Departure from sections (rules) authorized. Motor contract carriers may depart from the terms of §§ 1307.0 through 1307.13 (Tariff Circular MP No. 4) and §§ 1306.0 through 1306.16 (Tariff Circular MP No. 3) of this subchapter to the extent necessary to permit the construction, filing, and posting of original schedules and supplements in the manner authorized in this section.

(b) General provisions. (1) Subject to the limitations herein, motor contract carriers may establish rates or fares, or both, and other schedule provisions covering emergency moves authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property or passengers, or both, for transportation other than posting, where required, of an individual schedule (not a loose-leaf page) containing such rates or fares, or both, and other provisions (such a schedule may, for governing provisions, refer to a distance guide or to a publication required by the regulations promulgated by the Department of Transportation governing the acceptance and transportation of dangerous articles (hazardous materials), or both), and having four copies of the schedule (six copies if the schedule bears both MP-ICC and ME-ICC numbers), with a letter of transmission, filed with the Commission's Bureau of Operations field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

It is further ordered, That § 1307.101 of Title 49 of the Code of Federal Regulations be, and it is hereby revised to read as follows:

§ 1307.101 Motor contract carriers of property or passengers: Establishment of actual or minimum rates, fares, etc., covering emergency transportation of property or passengers, or both.

(a) Departure from sections (rules) authorized. Motor contract carriers may depart from the terms of §§ 1307.0 through 1307.13 (Tariff Circular MP No. 4) and §§ 1306.0 through 1306.16 (Tariff Circular MP No. 3) of this subchapter to the extent necessary to permit the construction, filing, and posting of original schedules and supplements in the manner authorized in this section.

(b) General provisions. (1) Subject to the limitations herein, motor contract carriers may establish rates or fares, or both, and other schedule provisions covering emergency moves authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property or passengers, or both, for transportation other than posting, where required, of an individual schedule (not a loose-leaf page) containing such rates or fares, or both, and other provisions (such a schedule may, for governing provisions, refer to a distance guide or to a publication required by the regulations promulgated by the Department of Transportation governing the acceptance and transportation of dangerous articles (hazardous materials), or both), and having four copies of the schedule (six copies if the schedule bears both MP-ICC and ME-ICC numbers), with a letter of transmission, filed with the Commission's Bureau of Operations field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

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for the purpose of extending the expiration date of the schedule to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for schedules in subparagraph (1) of this paragraph.

(c) Limitations.

(1) Publication issued hereunder may contain only matter pertaining to the emergency temporary authority.

(2) All publications must be issued in the name of the carrier. Each MF-ICC, MP-ICC, and ME-ICC number assigned to a publication shall show a “W” prefix in the following manner:

   MF-ICC W (here show number).
   MP-ICC W (here show number).
   ME-ICC W (here show number).

The first “W” series schedule issued under each of the above designations shall be assigned No. 1. (The abbreviation “No.” need not be shown). Subsequent schedules shall be numbered consecutively. Property carriers shall show only the “MP-ICC W” designation. Passenger carriers should show either the “MP-ICC W” or “ME-ICC W” designation, or both, whichever is appropriate as to a schedule.

(3) Each schedule must show on the title page a specific expiration date of not later than 45 days after the effective date of the schedule.

(4) Each publication referred to by a “W” series schedule must be identified by its MF-ICC, MP-ICC, or ME-ICC number, whichever is appropriate. A referred to publication containing both MP-ICC and ME-ICC numbers shall be identified by both numbers.

(5) The carrier must certify in writing to the appropriate field office that it is a participant in each publication to which its “W” series schedule refers.

(6) When the provisions of a “W” series schedule do not conform to the emergency temporary authority actually granted, another “W” series schedule may be filed hereunder to cancel the first “W” series schedule and bring the provisions into conformity with the grant.

(7) Except as otherwise provided in subparagraph (6) of this paragraph, this permission does not authorize the cancellation of any rate, fare, or other provisions, and the permission may not be used to establish any rate, fare, or other provision that will conflict with or duplicate any other rate, fare, or other provision.

(8) This permission does not modify any outstanding formal order of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction, filing, and posting of schedule publications.

It is further ordered, That this revision shall become effective August 7, 1972.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 218(a), 49 Stat. 561, as amended; 49 U.S.C. 318(a) )

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and that another copy be delivered to the Director, Office of the Federal Register, for publication in the Federal Register as notice to all interested persons.

By the Commission, Special Permission Board.

[Seal]  ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12223 Filed 8-4-72; 8:45 am]
Proposed Rule Making

DEPARTMENT OF THE TREASURY
Bureau of Customs
[19 CFR Part 10]

PERSONNEL OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Proposed Diplomatic Privileges

Notice is hereby given pursuant to the authority contained in section 251 of the Revised Statutes, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1202), and General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1301) that it is proposed to amend §§ 10.29, 10.30, 10.30a, and 10.30b to clarify the provisions of the Customs regulations relating to personnel of foreign governments and international organizations. The proposed amendments more clearly delineate the privileges accorded personnel of foreign governments and international organizations in accordance with existing law and treaties, and set forth the authority to search the personal baggage of certain representatives of foreign governments and their families, and certain representatives, officers, and members of their staffs of the United Nations and the Organization of American States.

The amendments as proposed are set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Part 10 of Title 19, Code of Federal Regulations, is amended by deleting §§ 10.29, 10.30, 10.30a, and 10.30b, and the centerheads and footnotes 32, 33, 33a, 33b, and 33c appended thereto, and by adding the following sections in lieu thereof:

DIPLOMATIC AND CONSULAR OFFICERS

§ 10.29 General provisions.

(a) Reciprocal privileges. The privileges provided for in §§ 10.29a through 10.30c and § 10.30c of this part shall be accorded only if reciprocal privileges are granted by the foreign government involved to U.S. personnel of comparable status.

(b) Baggage and effects. The term "baggage and effects," as used in §10.29a through 10.30c of this part includes all articles which were in the possession of a person abroad, and are being imported in connection with his arrival, and which are intended for his bona fide personal or household use. It does not include articles imported as an accommodation to others or for sale or other commercial use.

(c) Aliens. The privileges provided in §§ 10.29a through 10.30c of this part shall be accorded only to alien representatives, officers, employees, and members of the armed forces of foreign governments and designated public international organizations.

(d) Internal revenue tax. Any article exempted from the payment of duty under §§ 10.29a through 10.30c of this part shall be exempt also from the payment of any internal revenue tax imposed upon or by reason of importation.

§ 10.29a Diplomatic, consular and other privileged personnel.

(a) Inviolability of the person of diplomatic personne. The person of the representatives of foreign governments and members of their families set forth below shall be free from arrest, search, or detention:

(1) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of foreign embassies, and legations, and other heads of diplomatic missions or members of the diplomatic staffs of such missions, accredited to the United States or en route between other countries to which accredited and their own countries.

(2) Members of the families forming part of the households of the diplomatic personnel listed in the preceding subparagraph, who are accompanying them or traveling separately to join them incidental to their official travel.

(3) Members of the administrative and technical staffs of diplomatic missions accredited to the United States and members of their families forming part of their household, all of whom are not nationals or permanent residents of the United States who are accompanying them or traveling separately to join them incidental to their official travel.

(4) Diplomatic and consular couriers.

(b) Exemption for baggage and effects and admission without entry. The baggage and effects of the following representatives of foreign governments shall be admitted free of duty without the filing of an entry, upon the request of the Department of State and appropriate instructions from the Bureau of Customs in each instance:

(1) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of foreign embassies and legations, and other members of the diplomatic staffs of such missions accredited to the United States or en route to or from other countries to which assigned, as well as recognized consular officers, and the immediate families, suites, and servants of all the above under item 820.10, Tariff Schedules of the United States.

(2) Members of the administrative and technical staffs of diplomatic missions and members of their families forming part of their households, all of whom are not nationals or permanent residents of the United States under item 820.10, Tariff Schedules of the United States. Unless more extensive privileges are provided in treaties or special agreements between the United States and the foreign country concerned, this privilege is limited to baggage and effects imported at the time of first installation.

(3) Members of families of U.S. personnel of comparable status who are not nationals or permanent residents of the United States. Unless more extensive privileges are provided in treaties or special agreements between the United States and the foreign country concerned, this privilege is limited to articles imported at the time of first installation.

(4) Other high officials of foreign governments and such distinguished foreign visitors as may be designated by the Department of State, and their immediate families under item 820.50, Tariff Schedules of the United States.

(5) Foreign government personnel entitled to privileges under statutes or treaties under item 820.60, Tariff Schedules of the United States.

(6) Diplomatic couriers, limited to accompanying baggage and effects during official travel.

(c) Absence of special request. In the absence of special request from the Department of State prior to the arrival of representatives of foreign governments and their families, this privilege shall be accorded only to alien representatives, officers, or members of their families forming part of the households of the diplomatic personnel listed in the preceding subparagraph, who are accompanying them or traveling separately to join them incidental to their official travel.

(6) Baggage and effects. If by accident or unavoidable delay in arrival of baggage or effects, no special request therefor having been filed, the baggage or effects may be admitted free of duty provided they are in accordance with the privileges of this section.

(d) Delay in arrival of baggage or effects. If by accident or unavoidable delay in arrival of such baggage or effects, provided they are in accordance with the privileges of any treaty or special agreement, such baggage or effects may be admitted free of duty provided they are in accordance with the privileges of any treaty or special agreement, provided they are in accordance with the privileges of any treaty or special agreement.

(e) Inspection of baggage. (1) Exception for representatives of foreign governments. The personal baggage of the following representatives of foreign governments and their families is ordinarily exempt from inspection:

(1) Ambassadors, ministers, chargés d'affaires, secretaries, counselors, attachés of foreign embassies and legations, and other members of the diplomatic staffs of such missions accredited to the United States or in route between other countries to which assigned, as well as recognized consular officers, and the immediate families, suites, and servants of all the above under item 820.10, Tariff Schedules of the United States.
of their household who are not nationals of the United States.

(ii) Consular officers recognized by the United States as members of the families of their families as part of their household who are not nationals or permanent residents of the United States, provided the baggage accompanies them.

(3) Diplomats, provided the baggage accompanies them.

(2) Conditions permitting inspection. The personal baggage of representatives of foreign governments listed in subparagraph (a) of this paragraph and members of their families may be inspected if there is serious reason to believe that it contains:

(i) Articles other than those for the personal use of such persons or for use of their establishments or official mission.

(ii) Articles which are absolutely or conditionally prohibited importation or which the officials referred to in this paragraph shall receive no other exemption from duty and internal revenue tax than is allowed returning residents of the United States in accordance with §10.29(d) of this part.

§ 10.29d Subsequent importations for the personal or family use of diplomatic, consular and other privileged personnel.

The privilege of importing free of duty and without the filing of any entry articles for personal or family use, but not as an accommodation for others or for sale or other commercial use, shall be granted to the request of the Department of State and upon appropriate instructions from the Bureau of Customs in each instance, to the following:

(a) Ambassadors, ministers, charges d'airs, missionaries, and attaches of foreign embassies and legations accredited to the United States under item 822.10, Tariff Schedules of the United States;

(b) Other representatives, officers and employees of foreign governments, under item 822.30, Tariff Schedules of the United States; and

(c) Other persons designated pursuant to statutes or pursuant to treaties between the United States and the countries which they represent, under item 822.40, Tariff Schedules of the United States.

§ 10.29e Articles for official use of representatives of foreign governments.

Office supplies and equipment and other articles and articles constituted as the personal baggage of the representatives of foreign governments, may be admitted free of duty under item 841.10, Tariff Schedules of the United States, without the filing of an entry, upon the request of the Department of State.

PUBLIC INTERNATIONAL ORGANIZATIONS

§ 10.30 Officers and employees of, and representatives to public international organizations.

(a) Exemption for baggage and effects. The baggage and effects of the alien officers and employees of, or representatives of foreign governments, to the organizations designated by the President as public international organizations pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 228), and the baggage and effects of their families, suites, and servants, shall be admitted free of duty and without limitation of entry, under item 822.40, Tariff Schedules of the United States, but only upon the receipt in each instance of instructions from the Bureau of Customs issued at the request of the Department of State.

(b) Designated public international organizations. The President, by virtue of the authority vested in him by section 1 of the International Organizations Immunities Act of December 29, 1945 (22 U.S.C. 228), has designated certain organizations as public international organizations entitled to the free entry privileges of that statute. The following is a list of the public international organizations currently entitled to such free entry privileges and the Executive orders by which they were designated:

PROPOSED RULE MAKING
upon appropriate instructions from the Bureau of Customs in each instance, the privilege of admission free of duty without entry of persons of the classes enumerated in paragraph (a) of this section, the privilege of admission free of duty without entry may be extended to their baggage and effects upon presentation of their credentials or other proof of personal identity; and
(c) Importations for personal or family use. Upon the request of the Department of State and appropriate instructions from the Bureau of Customs, the privilege of importing without entry and free of duty articles for their personal or family use but not as an accommodation for others or for sale or other commercial use may be granted to persons of the classes enumerated in paragraph (a) of this section except those in paragraph (a) (6) and (7) of this section, under item 822.40, Tariff Schedules of the United States.
(d) Personal inviolability. The person of the representatives of United Nations member nations and of the Organization of American States, and the Government of the United States and members of their families; and representatives of United Nations member nations, the Government of the United States, and the Government of the United Nations member concerned and members of their families; and
Such resident members of their staffs as may be agreed upon between the Secretary-General of the United Nations, the Government of the United States, and the Government of the United Nations member concerned and members of their families; and
Every person designated by a United Nations member nation as the principal resident representative of the United Nations of such member or as a resident representative with the rank of ambassador or minister plenipotentiary and members of their families;
Such resident members of their staffs as may be agreed upon between the Secretary-General of the United Nations, the Government of the United States, and the Government of the United Nations member concerned and members of their families;
Every person designated by a United Nations member of a specialized United Nations agency as its principal resident representative, with the rank of ambassador or minister plenipotentiary, to the headquarters of such agency in the United States and members of their families;
Such other principal resident representatives of United Nations members to a specialized United Nations agency and such resident members of the staffs of representatives to a specialized United Nations agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States, and the Government of the United Nations member concerned and members of their families;
The Secretary-General, Under Secretaries-General, and Assistant Secretaries-General to the United Nations and members of their families; and
Representatives of members to the specialized agencies and other organs of the United Nations and to conferences convened by the United Nations, while exercising their functions and during their journey to and from the place of their meeting, and from the place of meeting, with regard to personal baggage only;
Experts performing missions for the United Nations, the same facilities for personal baggage as are accorded diplomatic envoys;
Any person designated by a member of the Organization of American States as its representative or interim representative on the council of the Organization of American States and members of their families; and
All other permanent members of the Delegation of a member of the Organization of American States and members of their families regarding whom there is agreement for that purpose between the government of the member state concerned, the Secretary-General of the Organization of American States, and the Government of the United States of America.

PROPOSED RULE MAKING

Absence of special request. In the absence of a special request from the Department of State prior to the arrival of persons of the classes enumerated in paragraph (a) of this section, the privilege of admission free of duty without entry may be extended to their baggage and effects upon presentation of their credentials or other proof of personal identity.

Absence of special request. In the absence of a special request from the Department of State prior to the arrival of persons of the classes enumerated in paragraph (a) of this section, the privilege of admission free of duty without entry may be extended to their baggage and effects upon presentation of their credentials or other proof of personal identity.

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

(21 CFR Part 19) PARMESAN CHEESE, REGGIANO CHEESE

Standard of Identity; Proposed Findings of Fact, Conclusions, and Tentative Order Following Public Hearing

In the matter of amending the standards of identity for parmesan (Reggiano) cheese:

HISTORY

1. On April 24, 1970, there was published in the Federal Register (35 F.R. 6995), a notice of the receipt by the Food and Drug Administration of a petition from Tolibia Cheese, Inc., 919 North Michigan Avenue, Chicago, Ill., 60611 (hereinafter Tolibia), proposing that the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.589) be amended to reduce the minimum curing time from 14 to 10 months, by changing the last sentence of § 19.595(a) from "It is cured for not less than 14 months" to "It is cured for not less than 10 months."

2. In the Federal Register of January 23, 1971 (36 F.R. 1153), Food and Drug Administration published an order determining the following issue was raised on the stated ground that "* * * the Commissioner of Food and Drugs does not conclude that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed order." This order was to become effective in 60 days unless stayed by objection.

3. On April 21, 1971, Food and Drug Administration caused to be published in the Federal Register (36 F.R. 9477) a notice scheduling a prehearing conference and the hearing in this matter—


5. The prehearing conference was held as scheduled and for good cause, as reflected in the transcript of this conference, the hearing date previously set for June 28, 1971, was vacated and a new hearing schedule was established which included dates for the submission of written direct testimony of all witnesses, objections thereto, oral argument on such objections, and the appearances of witnesses for cross-examination. Pursuant to 21 CFR 2.76, the results of this prehearing conference were published in a prehearing conference order dated June 24, 1971. Copies thereof were mailed to all parties of record and this order was entered in the docket file of this matter.

6. Proposed findings of fact, conclusions, and tentative order following public hearing—

7. With the agreement of all parties to the hearing, a group of five individuals were convened on October 14, 1971, at the University of Wisconsin, Madison, Wis., as a taste panel to organoleptically evaluate samples of parmesan cheese at varying ages, a hard-grating cheese, and an imported cheese. The parties selected and agreed upon the five judges as individuals who were acknowledged experts in the organoleptic evaluation of parmesan cheese, and also mutually agreed upon the professor who was to conduct, monitor, and report the results of this taste panel. This organoleptic test was conducted in a so-called "blind" fashion, in that the identity of the samples being tested were not known to these judges. The results of this taste panel were admitted into evidence as Exhibit II. The samples used in the organoleptic panel were also analyzed for fat, moisture, and salt content under the direction of the taste panel moderator, and the results thereof were admitted into evidence as Exhibit II.

8. Proposed findings of fact, conclusions, briefs, and reply briefs were submitted by counsel on behalf of Tolibia, Kraft, Universal, Frigo, and Borden. All proposed findings and conclusions as submitted have been individually considered and weighed. Those findings and conclusions herein adopted, in substance and,

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or form, are so adopted and found to be supported by the substantial, creditable, and noncontroversial nature of the evidence in the record. These findings and conclusions not adopted have been rejected as not being supported (21 U.S.C. 371(e)(3)).

9. It is the basic position of Tolibia and Kraft, and the objectors, Tolibia, Universal, and Frigo, that since the original promulgation of the parmesan (Reggiano) cheese standard in 1950 (15 F.R. 5656), manufacturing knowledge, technology, and practices have changed sufficiently to allow parmesan cheese to now be properly manufactured with a 10-month curing period rather than the required 14 months, and consequently the proposed cheese must continue to be cured for 14 months, and consequently the proposed standard in 1950 (15 P.R. 5656) after hearings held during 1947, and perhaps to the variations in the curd, whey and milk; and the experience and abilities of the tasters. This type of examination is generally adequate to enable experienced cheese tasters to determine if a given cheese is a parmesan cheese. (WD—Stine pp. 17-18; WD—Langhus pp. 29; TR. 428, 889, 966, 982-984, 989, 1056-1056, 1094-1096, 1124, 1127-1128, 1131, 1501-1502, 1457, 1499, 1504, 1505; Exs. G, II, K-6, K-9, K-11; K-12)

5. Parmesan (Reggiano) cheese originated in the provinces of Reggio and Parma in the Po Valley of northern Italy and derived its name from these geographic origins. The following characteristics characterize the traditional making procedures as followed in Italy. It was manufactured mostly during the months ranging from August 15 to September 15 of each year, utilizing evening, raw, hand-skimmed cows' milk, which was more intense in color and flavor than milk produced during the other months of the year. Whey starters were used and the curd was hand dipped from kettles and pressed into large wheel-shaped loaves averaging about 50 pounds. Each loaf was dried from 2 to 3 days, and was then either dry salted or immersed in brine solution for a period of from 15 to 30 days. The loaves were then dried, coated with a mixture of either linseed or mineral oil and vegetable color, and were placed on their flat sides and periodically turned to prevent or retard mold development. Curing of the cheese generally took from 16 months to 2 years during which period the moisture content decreased and the typical granular structure appeared. The temperatures and humidity of the curing rooms were not mechanically controlled, and were dependent on the outside, seasonal weather conditions. (WD—Klensch pp. 7, 8; WD—Langhus pp. 11, 14, 20, 22, 23; WD—Stine pp. 9, 10, 12, 16; TR. 9, 10, 551, 556, 570, 975, 1013-1016, 1033-1034, 1063, 1066, 1155, 1138, 1142, 1370-1377; Exs. 0-2, F-1.)

PROPOSED RULE MAKING

§ 19.595 Parmesan cheese, reggiano cheese; identity; label statement of ingredients.

(a) Parmesan cheese, reggiano cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by a granular texture and a hard and brittle rind. It grates readily. It contains not more than 32 percent of moisture, and its solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500(e). It is cured for not less than 14 months.

(b) Colors. The color of parmesan cheese also varies to a significant degree, ranging from slightly off-whites to yellow shades that are approximately 1.39 percent to 3.25 percent. The levels of salt also vary from approximately 1.40 percent to 3.25 percent. (WD—Stine p. 20; WD—F. Klensch p. 11; TR. 608, 613-614, 1275, 1333, 1443, 1487, Exs. H, K-8, K-9, K-13.)

The only method presently available to determine if a cheese is a parmesan cheese, is the organoleptic examination of the physical characteristics of flavor, color, body, and texture, coupled with laboratory analysis to determine fat and moisture content. Except for these laboratory analyses, which produce objective results, the results of organoleptic examinations vary considerably due to the variations in the curd, whey and milk; and the experience and abilities of the tasters. This type of examination is generally adequate to enable experienced cheese tasters to determine if a given cheese is a parmesan cheese.
traditional Italian methods but incorporated the following changes: (a) The cheese was manufactured by the producer, on a less seasonal basis using milk which had been pasteurized or heat treated and from which cream had been mechanically separated; (b) various starters in addition to whey starters were beginning to be utilized; (c) the size of the cheeses were generally in the 22- to 28-pound range and temperature control of the hoops holding from 22 to 28 pounds of cheese. The use of this standard hoop has made feasible the development of manufacturing procedures by some manufacturers. The handling of the cheese in the hoop has changed in that different starters may utilize a vacuum, in part, to produce a more uniform consistency in the body of the cheese from that obtained when only mechanical pressing procedures are utilized. (WD—Langhus p. 26; TR. 544-545, 577-578, 583, 587-589, 603-608, 800-801, 916-918, 935-936, 986-973, 987, 1476.)

7. Since 1950, considerable research and development has been done to arrive at an optimum pH results in slower flavor development and thus a slower total curing period, but not all manufacturers apply such a procedure. The older practice of greasing or oiling the curd has been supplanted with the practice of coating the curd with wax. Tolibia, since 1966, has been curing parmesan cheese in plastic film bags which are vacuumized and shrunk so as to form an airtight surface around the cheese. This technique is very new and provides an effective moisture barrier allowing greater control over moisture loss, rind development, and development of mold and other surface defects. This technique allows higher curing temperatures to be used, which results in a shorter necessary curing period. These added controls have been possible as a result of research and experimentation and the availability of more efficient air-conditioning, refrigeration, humidity control, and air-circulating equipment. The use of this type of equipment the curing environment has become more closely controlled and stabilized resulting in a significant reduction in the minimum time necessary for curing parmesan cheese. (WD—Dee p. 6, 22; WD—Langhus p. 23-24; TR. 77, 93, 112; WD—F. Klensch p. 14; TR 273, 313, 319-323, 328-331, 557, 559, 564-566, 579, 610, 612, 925-927, 986-988, 1074-1075, 1125-1128, 1450, 1453-1454, 1468-1469, 1506-1507.)

8. Through utilization of the changes in and refinements of the older, more traditional manufacturing procedures set forth in Finding 7, supra, a cheese conforming to the parmesan standard, i.e., a 21-month curing period may presently be produced with a curing period of not less than 10 months. Such a cheese is presently being produced, regularly under full production conditions by at least Tolibia and Kraft. This cheese is being produced with no material increase in the percentage of defective or low-quality loaves, and possesses the characteristics of flavor, body, grateability, fat, and moisture content consistent with the existing ranges of parmesan currently on the market. (WD—Stine pp. 16-18, 20-23; TR. 5-6; WD—F. Klensch pp. 10-11, 16-17, 27; WD—Langhus pp. 10-11, 19, 26, 27; TR. 14; WD—F. Klensch pp. 8, 9; TR. 315, 346, 348-350, 388-389, 455, 463-465, 504-505, 581-582, 823, 872-873, 937, 945, 947-948, 950, 976-977, 998-999; Ex. H, Ex. G.)
9. The exact manufacturing methods utilized by Tolibia and Kraft in the production of the parmesan cheese described in Finding 8, supra, are not identical; i.e., Tolibia uses plastic bags (WD—Dee p. 6; Kraft does not use plastic bags (TR. 552), but does use wax in its curing operation (TR. 551). Kraft adds salt directly to its curd (TR. 916-918); Kraft utilizes a curing temperature in the neighborhood of 60° F. (WD—Langhus p. 25); Tolibia’s curing temperature is substantially lower. No other steps are involved in the more modern manufacturing procedures followed by Tolibia and Kraft which would preclude other manufacturers from producing pecorino parmesan cheese having a curing period of 10 months. (WD—Stine p. 26; WD—F. Klensch p. 27; WD—Dee p. 10; TR. 445-446.)

315. Tolibia’s utilization of a higher than previously normal curing temperature, in excess of 60° F., has been made possible by a combination of the use of improved starter cultures, plastic bags in place of wax, and better controlled curing facilities, and better control of brining procedures. This higher curing temperature has not resulted in defects previously attributed to “forced” curing temperatures, i.e., temperatures in excess of 60° F. (WD—Dee p. 6; WD—F. Klensch pp. 9, 14; TR. 308, 310, 313, 315, 329-331.)

316. Through the utilization of adequate scientific research and experimentation, the adoption of presently available modern manufacturing procedures, and the acquisition of modern equipment, any knowledgeable producer who desires can produce parmesan cheese, conforming to the parmesan standard with the shorter curing period of 10 months. (WD—Dee p. 10; WD—F. Klensch p. 27; WD—Nell p. 3; TR. 1091-1092, 1114, 1127, 1140-141, 1238-1239, 1379-1383, 1401-1405, 1457, 1465, 1476, 1499.)

12. Tolibia and Kraft, the two major producers of parmesan cheese in the United States, market their products in their homes or to consumers primarily as ethnic or Italian-style foods. These individuals prefer to either freshly grate the cheese before it is consumed in this style foods has been increasing in recent years, and many of these, especially ethnic or Italian-style foods, the parmesan is no longer physically or chemically identifiable as a standardized food. (WD—Langhus p. 26; TR. 1082-1084, 1179-1183, 1219, 1543.)

15. Parmesan cheese reaches the ultimate consumer in four basic forms: As a chunk or piece, usually cut from larger wheels, by local retail stores; H.P. or H.P.C. directly to the consumer, in grated form, in shredded form, or as an ingredient of another food.

16. Industrial food manufacturers utilize large quantities of parmesan either produced by themselves or others. These firms include parmesan cheese, usually in grated form, as one ingredient in their manufactured foods, which are then distributed to consumers primarily as ethnic or Italian-style foods. The sales volume of such ethnic or Italian-style foods has been increasing in recent years, and many of these, especially ethnic or Italian-style foods, the parmesan is no longer physically or chemically identifiable as a standardized food. (WD—Langhus p. 26; TR. 1082-1084, 1179-1183, 1219, 1543.)

17. Significant quantities of parmesan are also used by institutional food processors including various types of mass feeding operations. These users purchase parmesan either in loaves for grating or in the granted, dehydrated form, for incorporation in foods that are usually eaten on the premise where they are prepared. (TR. 378-381, 450-451, 465-466, 1054, 1057-1066, 1156, 1182-1183.)

18. Those consumers who purchase chunks or pieces of parmesan cheese are for the most part ethnic, and/or gourmet consumers. These individuals prefer to either freshly grate the cheese in their homes or to consume this food either directly or in the grated form. These users are very knowledgeable and selective buyers of parmesan cheese the ethnic or gourmet consumers, a relatively small number of the population, are decreasing in numbers, and the ethnic or gourmet consumer group is relatively small in numbers. (TR. 1068-1069, 1173-1174, 1545-1546, 1606, 1612.)

19. Except for the extremely small quantity utilized in the table cheese, virtually all parmesan is grated before it is consumed in this country.
and most of the parmesan cheese purchased by individual consumers at retail, is already in the grated, dehydrated, and packaged form. (WD—Langhus p. 36; WD—F. Klench p. 16; WD—Laughus p. 26; WD—Cassinerio p. 6; TR. 389-390, 397, 409, 411-414, 448-451, 456, 465-466, 475, 539-540, 838-839, 1010-1011, 1059, 1184-1185, 1213-1214, 1596.)

20. Grated and dehydrated parmesan is more stable and less varied in organoleptic characteristics than loaf parmesan due to decreased moisture and the blending of various vats of parmesan in the grating process. There were approximately 30 million pounds of parmesan cheese consumed in this country in 1970. (WD—Langhus p. 32; TR. 409-410, 463, 838-842, 897-998, 926-928, 964-983, 996-998, 1068, 1110-1112, 1175-1176, 1183-1186, 1599.)

21. Ethnic and gourmet consumers judge the quality of parmesan, in part, from the physical appearance of the loaf or wheel, from which their individual block is taken. Informed judgment of the organoleptic properties of the cheese itself. Thus, parmesan directed to this market must be of premium quality as to physical and organoleptic qualities and such cheese commands a premium price. (WD—O’Flynn p. 2; TR. 409-410, 463, 1068, 1175-1176, 1183-1186, 1599.)

22. All other consumers judge the quality of parmesan by its flavor and grate-ability, while industrial and institutional users also consider cleaning losses as part of quality. Losers of parmesan cheese having exterior physical defects, are purchased at a discount because of the need to lose some of the cheese in the cleaning process. A cleaned parmesan loaf possessing the proper physical and organoleptic qualities, is perfectly acceptable for grating or shredding use, and cleaned parmesan loaves, conforming to the requirements of the parmesan standard, have been produced and are used to produce the grated product. Industrial and institutional users frequently blend parmesan from different batches and vats to produce a more standard flavor. (WD—O’Flynn p. 2; WD—Laughus p. 32; TR. 409-410, 463, 838-842, 897-998, 926-928, 964-983, 996-998, 1068, 1110-1112, 1175-1176, 1183-1186, 1214-1226, 1229, 1553-1554, 1599.)

23. The following benefits would accrue to producers and consumers with the adoption of the proposed amendment:

(a) For some years, substantial quantities of parmesan cheese, having the flavor and texture deemed acceptable by manufacturers based on customer preference, have been produced with a 10-month curing period. The need to hold such cheese for an additional 4-month period to conform to the parmesan standard results in additional flavor and curing defects. Cheese purchased by low storage temperatures, but remain intolerable and undesirable. The adoption of the 10-month curing period would allow manufacturers to market parmesan cheese with the slightly milder flavor preferred by the majority of consumers, and would be accompanied by a reduction in the present wide variations in flavor. (WD—Laughus pp. 18-19, 25; WD—Stine pp. 30-41; WD—P. Klench pp. 4-5; WD—F. Klench p. 31; TR. 892-893, 967, 975, 978-979, 983, 985, 1598.)

(b) The changes and improvements in manufacturing procedures over the past 28 years have made possible increased mechanization of the production and curing steps of parmesan cheese manufacturing that have created production and cost savings. The improved production procedures have reduced the number of defective parmesan loaves and consequently increased productivity and further production cost savings. (WD—Laughus p. 22; WD—P. Klench pp. 8-10, 13, 14; WD—Dee pp. 6-7; TR. 290-293, 315, 465, 549, 562-583, 916, 987.)

(c) The production and sale of parmesan cheese is highly competitive, and the savings in interest on capital invested for 4 months in stored cheese has been estimated to be approximately 2 cents per pound of parmesan produced. (WD—Dee p. 8; WD—P. Klench pp. 28; WD—F. Klench pp. 28; 492-496, 498, 1238, 1594.)

(d) The production and sale of parmesan cheese is highly competitive, and the savings in interest on capital invested for 4 months in stored cheese has been estimated to be approximately 2 cents per pound of parmesan produced. The improved production procedures have reduced the number of defective parmesan loaves and consequently increased productivity and further production cost savings. (WD—Laughus p. 22; WD—P. Klench pp. 8-10, 13, 14; WD—Dee pp. 6-7; TR. 290-293, 315, 465, 549, 562-583, 916, 987.)

(e) The reduction in necessary curing time would save the added costs of warehousing or cold storage for that period. These costs have been carefully estimated at approximately 0.2 cents per pound of parmesan. Furthermore, the savings in interest on capital invested for 4 months in stored cheese has been estimated to be approximately 2 cents per pound of parmesan produced. (WD—Dee pp. 8; WD—P. Klench pp. 28; WD—F. Klench pp. 28; 492-496, 498, 1238, 1594.)

(f) The production and sale of parmesan cheese is highly competitive, and the savings in interest on capital invested for 4 months in stored cheese has been estimated to be approximately 2 cents per pound of parmesan produced. (WD—Dee pp. 8; WD—P. Klench pp. 28; WD—F. Klench pp. 28; 492-496, 498, 1238, 1594.)

24. Exhibits G and H confirm that a 10-month parmesan is virtually indistinguishable from parmesan cured for 14 or more months. It may therefore be practically impossible to distinguish, by low storage temperatures, but remain intolerable and undesirable. The adoption of the 10-month curing period would result in no material disadvantage to consumers, since (a) there would be no reduction in the nutritive value of this food; (b) there would be no alteration in the presently required moisture and milk-fat content; and (c) there would be no increase of any threat to health associated with pathologic organisms. (WD—Laughus pp. 28-29; TR. 610-611, 1050; Finding No. 20; 15 F.R. 5658; Ex. H; Ex. K-9; K-13.)

25. The reduction of the minimum curing period of parmesan from 14 to 10 months would result in no material disadvantage to consumers, since (a) there would be no reduction in the nutritive value of this food; (b) there would be no alteration in the presently required moisture and milk-fat content; and (c) there would be no increase of any threat to health associated with pathologic organisms. (WD—Laughus pp. 21-22; TR. 455-556, 827-833, 1136-1137, 1223-1229, 1495-1496, 1524-1525, 1599-1600.)

PROPOSED CONCLUSIONS OF LAW

1. Issue 1. The food prepared in conformity with the requirements of the parmesan (Reggiano) cheese (21 CFR 19.595), but which is cured for a period of not less than 10 months rather than the presently required 14 months, is parmesan (Reggiano) cheese.

2. Issue 2. Issue 1 having been answered in the affirmative, and in view of the substantial benefits to both producers and consumers as supported by the substantial evidence of this record and the lack of any proven disadvantages, it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595) to permit the cheese to be cured for a period of not less than 10 months.

TENTATIVE ORDER

Based upon the foregoing findings and conclusions and upon the substantial evidence of this record, considered in its entirety: It is hereby ordered, that the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595), be amended to reduce the minimum curing time from 14 to 10 months by changing the last sentence of § 19.595(a) from “It is cured for not less than 14 months” to “It is cured for not less than 10 months.”

Any interested person whose appearance was filed at the hearing may, within 30 days after publication of this tentative order 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 exceptions thereto. Excepted on shall point out violat, particularly the alleged errors in the proposed
findings of fact and proposed conclusions, and shall include specific references to the pages of the transcript of testimony and to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.


SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-12247 Filed 8-4-72; 8:45 am]

DEPARTMENT OF LABOR
Occupational Safety and Health Administration
[29 CFR Part 1910 ]
[87-2-1]

PROPOSED RULE MAKING

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Proposed Revocation of Standard Concerning Retiring Rooms for Women; Notice of Public Hearing

On June 7, 1972, notice was published in the Federal Register (37 F.R. 11340) of a proposal to revoke the standard in paragraph (f) of 29 CFR 1910.141, which requires at least one retiring room for the use of female employees, or, where fewer than 10 women are employed and a restroom is not furnished, some other equivalent space to be provided and made suitable for the use of female employees. Interested persons were afforded a period of 30 days to submit written comments and objections, and to request a hearing.

Several written comments, views, and arguments have been received in response to the notice. Some of the comments support a revocation of the standard, based on the opinion that it is not necessary for the safety or health of employees or is discriminatory against women. Many comments urge a revision of the present standard to require retiring room facilities for both men and women, on the ground that retiring rooms are necessary for the safety and health of both men and women. Petitions have been filed requesting a public hearing on the proposal.

Accordingly, in accordance with, and pursuant to, section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1583), 29 CFR 1910.4, and 29 CFR 1911.11 notice is hereby given of an informal hearing on the following issues:

1. Whether retiring rooms are reasonably necessary or appropriate for the safety or health of female employees.

2. Whether retiring rooms are reasonably necessary or appropriate for the safety or health of male employees.

3. If retiring rooms are deemed reasonably necessary or appropriate for the safety or health of both male and female employees, whether it is reasonably necessary or appropriate to require separate retiring rooms for female employees and separate retiring rooms for male employees, or common retiring rooms to be used by any employee, according to need and regardless of sex; and

4. Any other issue reasonably related to the provision of retiring rooms in places of employment.

Oral data, views, and arguments concerning any of the issues described above will be received by Hearing Examiner Arthur M. Goldberg at an informal hearing beginning at 11 a.m. on October 3, 1972, in Room 210 A, B, C and D, Main Labor Building, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C.

Persons desiring to appear at the hearing must file with the Office of Standards, Room 305, Railway Labor Bldg., 400 First Street, NW., Washington, DC 20210, a notice of intention to appear, no later than September 15, 1972. The notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to any issue and of the evidence to be adduced in support of the position.

Beginning at 10 a.m. on October 3, 1972, the presiding hearing examiner will hold a prehearing conference in order to establish the order and time for the presentation of statements and settle any other procedural matters relating to the proceeding. All documents that are intended to be submitted for the record at the hearing should be submitted in duplicate.

The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911.

Signed at Washington, D.C., this 3d day of August, 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-12335 Filed 8-4-72; 8:49 am]

[29 CFR Part 1951 ]

GRANTS FOR IMPLEMENTING APPROVED STATE PLANS

Requirements and Procedures for Grant Approval

Pursuant to sections 8(g) and 23 of the Williams-Steiger Occupational Safety and Health Act of 1970, it is hereby proposed to issue rules setting forth the requirements and procedures for awarding grants to the several States for the purpose of implementing section 23(g) of the Act. Under section 23(g) of the Act, the Assistant Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Assistant Secretary pursuant to section 18 of the Act and Part 1902 of this chapter.

Within 20 days following publication of this proposal in the Federal Register, interested persons may submit written data, views, and arguments concerning the proposal to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210. The submissions are to be addressed to the Director, Office of State Programs, Room 1162, 17 M Street NW., Washington, DC 20210. All written comments will be available for public inspection and copying during normal business hours at the foregoing address.

The proposal reads as follows:

PART 1951—GRANTS FOR IMPLEMENTING APPROVED STATE PLANS

Subpart A—Applicability and Definitions

Sec.
1951.1 Purpose and scope.
1951.2 Definitions.

Subpart B—Applications

1951.10 Eligibility.
1951.11 Manner of submitting application.
1951.12 Action upon application.

Subpart C—Award and Termination

1951.20 Grant awards.
1951.21 Delegation of authority.
1951.22 Amount of award.
1951.23 Payments.
1951.24 Federal share; matching requirements.
1951.25 Termination.

Subpart D—Special Grant Conditions

1951.30 Political activity.
1951.31 Nondiscrimination.
1951.32 Procurement standards.
1951.33 Travel.

Subpart E—Grantee Accountability

1951.40 Date of final accounting.
1951.41 Accounting for grant award payments.
1951.42 Accounting for equipment.
1951.43 Program income.
1951.44 Final settlement.
1951.45 Disputes.
1951.46 Copyrights and patents.
1951.47 Retention and custody of records.

Authority: The provisions of this Part 1951 issued under secs. 8(g), 23, 84 Stat. 1600, 1613.

Subpart A—Applicability and Definitions

§ 1951.1 Purpose and scope.

(a) This part contains the procedures for making grants to the several States for the purposes listed in section 23(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1583) and instruments entered into pursuant to this part.

(b) Under section 23(g) of the Act, the Assistant Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Assistant Secretary pursuant to section 18 of the Act and Part 1902 of this chapter.

§ 1951.2 Definitions.

As used in this part and in grant instruments entered into pursuant to this part:
PROPOSED RULE MAKING

§ 1951.10 Eligibility.
Grants under this part may be awarded only to a State agency, designated by the Governor of a State, which has had its State plan approved by the Assistant Secretary and which has submitted an application for a grant under this part. Such an application may be funded by a grant under this part for an amount not to exceed 50 percent of the total cost to the State of implementing the approved State plan for the period covered by the grant. The application must contain proposed costs which are allowable (i.e., directly allocable to the approved plan, reasonable, and not otherwise barred by law, regulation, or policy). In addition, the State agency must be able to demonstrate that it can and will maintain such fiscal and technical records and file with the Assistant Secretary such fiscal reports as are necessary to ensure the appropriate and accurate recordation of costs during the period of any grant awarded under this part.

§ 1951.11 Manner of submitting application.
(a) An application for a grant under this part shall be submitted in such manner and at such time as the Assistant Secretary may prescribe. The application shall contain a budget and sufficient cost detail with which to associate estimated cost elements with specific activities under the State plan, as more particularly described in the instructions for a grant application.
(b) An application with 10 copies must be submitted by a State agency, designated by the Governor of a State, to the appropriate Regional Administrator of the Occupational Safety and Health Administration, U.S. Department of Labor.
(c) The application shall be executed by an individual authorized to act for the applicant State agency and to assume on behalf of the State agency those obligations imposed by the terms and conditions of any award, including the regulations of this part.
(d) The application must contain assurances satisfactory to the Assistant Secretary that the State agency has available to it sufficient funds and other resources with which it will meet the Federal share of the cost of implementing the approved State plan.

§ 1951.12 Action upon application.
(a) The Assistant Secretary shall proceed to pass upon each application for a grant within a reasonable time following its receipt. In considering such applications, the Assistant Secretary shall consult with a representative of the Secretary of Health, Education, and Welfare designated to establish liaison with the Assistant Secretary for the purpose of assisting the latter's evaluation of grant applications. In so doing, he may act through such officers and employees and such experts or consultants engaged for this purpose as he determines are specially qualified to evaluate the particular grant application. Any recommendations of such representatives as to approval or disapproval of an application shall be reduced to writing, and due regard shall be given to any such recommendations.
(b) The State agency shall be notified of action on its application. In the event of either a deferral (for further clarification, for final approval of the State plan, for lack of funds, or, otherwise, for further substantiation of the application) or a disapproval, the notice shall be accompanied by a brief statement of the grounds for such deferral or disapproval, except where there is an affirmation of a previously unsatisfactory or discontinued deferral or disapproval of an application shall not preclude its reconsideration or a resubmission within a reasonable time. Such request for reconsideration by or a representative or consultants engaged for this purpose shall be in writing. In his discretion, the Assistant Secretary may afford the applicant an opportunity for informal oral presentation concerning the request for reconsideration or resubmission.
(c) It is the policy of the Secretary of Labor to encourage the submission of applications for grants to fund approved State plans. To the extent practicable, the Assistant Secretary shall provide technical assistance to any State agency in the preparation of an application and in the correction of any defective application.
(d) If a grant is made, the initial award shall set forth the amount of funds granted and shall specify the period for which the grant is contemplated. The grant may provide that additional funds will be added at a later time, provided that grant performance is satisfactory and appropriations are available. Grantees will be required to make separate application for continued support beyond the expiration of the period covered by any grant under this part.

§ 1951.20 Grant awards.
Within the limits of funds available for such purpose, the Assistant Secretary shall make awards, in writing, for grants under this part, which grants shall specify the period covered by the award and the terms and conditions with which the grantee must comply in incurring costs in implementing the approved State plan, provided further, that the regulations in this part shall be incorporated by reference into and become a part of any grant awarded hereunder.

§ 1951.21 Delegation of authority.
The Assistant Secretary was delegated under Secretary of Labor Order 12-71, effective April 29, 1971 (36 F.R. 15881) and Secretary of Labor Order 19-71, effective June 18, 1971, the general authority of the Secretary to review applications for grants and make awards under this part. He was authorized to delegate the power to issue, amend, or revoke the rules under this part and to provide any policy, regulations, or guidelines by which this part is implemented. He may, in his discretion, with respect to any grant award, impose additional conditions, or subject the time of any award when, in his judgment, such conditions are necessary to assure safe and healthful working conditions for Federal workers and to assure or protect advancement of the approved State plan, or to promote the conservation of grant funds.

§ 1951.22 Amount of award.
(a) The amount of any award shall be determined by the Assistant Secretary on the basis of his estimate of the sum necessary for all of the direct costs of implementing the approved State plan; or on the basis of a percentage of the State's share of the costs reasonably related to the plan; or on the basis of a percentage of the estimated direct costs reasonably related to the project when there are reasonable assurances that the percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Assistant Secretary. Provided, however, That no grant shall be made for an amount in excess of 50 percent of the total cost as found necessary by the Assistant Secretary for the period covered by the grant. After determining the grantee's share of the costs of implementing the approved State plan for the period to be covered by the grant, the grantee may not include (1) costs for Federal grants from other direct sources which have been or may be claimed or received, or (2) costs used to match other Federal grants, or (3) costs to be met from the Federal share of grant related income.
(b) All amounts awarded, whether provisional or otherwise, remain subject...
PROPOSED RULE MAKING

§ 1951.24 Federal share; matching requirements.

(a) Federal funds will be granted on the basis of grant applications and may be used to meet not more than 60 percent of the cost of implementing the approved State plan unless the grantee chooses to meet the remainder of the cost with other funds; provided, however, that such other funds represent the grantee's cash outlay, including the outlay of money contributed to the grantee by other public (other-than-Federal) agencies and institutions and individuals, except that funds originating from another Federal source or funds provided by a State as its matching share, unless available for expenditure by the grantee in accordance with the regulations of this part throughout the grant period subject to such limitations as are contained in this part and in the grant instrument.

(b) The non-Federal or matching participation by the State may be derived from a variety of sources, including:

(1) Cash contributions. Cash contributions represent the grantee's cash outlay, including the outlay of money contributed to the grantee by other public (other-than-Federal) agencies and institutions and individuals, except that funds originating from another Federal source or funds provided by a State as its matching share, unless available for expenditure by the grantee in accordance with the regulations of this part throughout the grant period subject to such limitations as are contained in this part and in the grant instrument.

(2) In-kind contributions. In-kind contributions represent the value of non-cash contributions from any of the sources in § 1951.24(b) (1) and are creditable as part of the State's matching share for grants awarded under this part.

§ 1951.25 Termination.

(a) Discontinuance by agreement. Whenever, in the judgment of the Assistant Secretary and the designated State agency, the continuation of the performance of the grant by the grantee would produce results of no value in furthering the purposes of either the Act or the approved State plan, the parties shall enter into a written agreement terminating the grant.

(b) Termination by the Assistant Secretary for default. Any grant awarded under this part may be revoked or terminated, in whole or in part, by the Assistant Secretary at any time within the period of the grant, whenever he finds that in his judgment the grantee has failed to conform to the requirements of the grant or the regulations of this part. The grantee shall be promptly notified of such finding in writing and given the reasons therefor.

§ 1951.30 Political activity.

Under the provisions of the Federal Hatch Act (Political Activities Act, Act of August 2, 1938, as amended; 5 U.S.C. 1501(f)), all State or local agency officers and employees whose principal employment is in connection with activities financed by any grant under this part, irrespective of whether they are under the merit system, are prohibited, with certain exceptions, from:

(a) Using official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof.

(b) Directly or indirectly coercing, attempting to coerce, commanding, or advising any other State or local officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

(c) Actively participating in political management or in political campaigns.

§ 1951.31 Non-discrimination.

(a) The State shall comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance and shall comply with the implementing rules issued by the Secretary of Labor with the approval of the President (29 CFR Part 31).

(b) The State shall comply with E.O. 11246 dated September 24, 1965, as amended, with regard to equal employment opportunities, and all rules, regulations, and procedures prescribed pursuant thereto.
§ 1951.32 Procurement standards.

Grantees, when procuring property and services, shall use their own procurement standards and procedures which are based upon their laws, rules, or regulations, which as a minimum shall provide that:

(a) All proposed procurement actions shall be reviewed selectively by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, lease versus purchase considerations shall be given and documented.

(b) All procurements, advertised or negotiated, shall be accomplished by obtaining adequate and effective competition to the maximum practicable extent, unless restricted by the nature and complexity of the material or services being procured. Where sealed bids are obtained by formal advertisement, the awards will be made to the lowest responsible bidder whose bid is responsive to the invitation, so as to avoid any possibility of conflict of interest.

(c) Single source procurement and sole source procurements shall be adequately documented to support the selection of vendors and the prices accepted. Procurement by brand names shall be limited to sole source procurements.

(d) The type of contracts or purchase orders used (i.e., fixed price, cost reimbursable, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. A "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(e) Solicitation for bids or quotations shall contain a clear and accurate description of the technical or requirements of the material or services, and be published in a manner to assure adequate competition.

(f) All procurements shall be conducted in conformance with the terms, conditions, and specifications of the contract or purchase order.

(g) A system of contract administration shall be maintained to assure:

(1) Reimbursement by the grantee or any other party of excess reimbursement, or other expense, which is not permitted by law and regulations;

(2) Adequate expediting and timely followup of all purchases. (h) All contracts awarded by grantees, exclusive of purchase orders, shall provide for unilateral termination by the grantee. In addition, such contracts shall provide for conditions of default and such situations where the contract cannot be completed through no fault of the contractor, i.e., termination for the convenience of the grantee.

§ 1951.33 Travel.

To the extent the grantee has not established rules or policies which it uniformly applies regardless of source of funds in determining the amounts and types of reimbursable travel expenses, the Standardized Government Travel Regulations (OMB Circular No. A-7) shall be applied in determining the amount of grant funds chargeable for travel expenses.

Subpart E—Grantee Accountability

§ 1951.40 Date of final accounting.

In addition to such other accounting as the Assistant Secretary may require, a grantee shall render, with respect to each grant, a full accounting as provided herein, as of a date which shall be either (a) the end of the period covered by the grant or as that date may have been extended by mutual agreement or (b) the date of termination as provided in § 1951.25, whichever first occurs.

§ 1951.41 Accounting for grant award payments.

With respect to each approved grant, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available vouchers or any other evidence satisfactory to the Assistant Secretary of expenditures for direct or indirect costs meeting the requirements of § 1951.22: Provided, however, That where the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the cost awarded for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

§ 1951.42 Accounting for equipment.

(a) As used in this section the term "equipment" means an article of property procured or fabricated, in whole or in part with grant funds, which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand as of the date established in § 1951.40 for which accounting is required in accordance with the procedures set forth in the Department's Property Handbook for Occupational Safety and Health Administration For Grantees shall be identified and reported by the grantee in accordance with such procedures, and accounted for by one or a combination of the following methods, as determined by the Assistant Secretary:

(1) Retention of equipment for other occupational safety and health projects. Equipment may be used, without adjustment of accounts, on other grants within the scope of the Act or other activities, by the grantee, which the Assistant Secretary determines in writing, fall within the objectives of the Act, and no other accounting for such equipment shall be required: Provided, however, (1)...

*The Office of Management and Budget Circular No. A-7 instructions are available for inspection at the Regional Administrative Office of the Assistant Secretary for Administration and Management, Department of Labor.

That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made unless specifically authorized by the Assistant Secretary, or as that date may have been extended by mutual agreement, or (b) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value of the equipment at the time of transfer shall be refunded to the Federal Government.

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

§ 1951.43 Program income.

All program income (i.e., licenses, fees for inspection and otherwise, levies, royalties, etc.) except that income excluded below, earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be deducted from the total project cost for the purpose of determining the net cost on which the Federal share will be based. The income in the two exceptions listed below may be retained by the State without credit to the cost of any grant award under this part. The two exceptions are:

(a) All interest income earned by a State government (including State agencies and instrumentalities) on deposits or investments of advance Federal payments of the Federal share of grants awarded under this part, except that interest or other income earned by a local unit of government (e.g., county, municipality, city, town, or school, or any agency

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or instrumentality of such local unit of government) shall be returned to the 3-year period if audit findings have not been resolved.

3. When grant records are transferred to or maintained by the Department, the 3-year record retention requirement is not applicable to the grantee.

(b) The retention period starts from the date of the submission of the final expenditure report or, for grants which are made annually, from the date of the submission of the annual expenditure report.

(c) State agencies are authorized, if they so desire, to substitute microfilm copies in lieu of original records provided the records possess the same value. However, in order to avoid duplicate recordkeeping, he may make arrangements with State governments concerning the retention of any records which are continuously needed for joint use.

(d) The Assistant Secretary shall request transfer of certain records to his custody from State governments when he determines that the records possess permanent retention value. However, in order to avoid duplicate recordkeeping, he may make arrangements with State governments concerning the retention of any records which are continuously needed for joint use.

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Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

Pursuant to section 8 of the Outer Continental Shelf Lands Act (43 Stat. 462; 43 U.S.C. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 3300) sealed bids addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans, LA, or Post Office Box 53226, New Orleans, LA 70153, will be received until: 9:30 a.m., c.s.t., on September 12, 1972, for the lease of oil and gas in certain areas of the Outer Continental Shelf adjacent to the State of Louisiana. Bids will be opened on that date at 10 a.m., c.s.t., in the Grand Ballroom, Sheraton Charles Hotel, 211 St. Charles Street, New Orleans, LA, for the group of tracts designated herein.

The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening the bids before midnight, September 12, 1972, all bids will be returned unopened to the bidders as soon thereafter as possible.

Bidders are notified that leases issued pursuant to this notice will be on Form 1140-7 (July 22, 1968) and Form 1140-1 (December 1971). Bidders are advised that all leases may be placed on consignment and copies of the Affirmative Action Certification Form 1140-7 (July 1971) and copies of the Affirmative Action Program Representation Form 1140-7 (July 1971) may be obtained from the above-listed Manager or Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910.

Bidders are further notified that any lease issued for Tracts Nos. La. 2247, 2248 and 2249 will contain the following additional stipulation:

No structure for drilling or production may be erected within the leased area until the Area Supervisor, Geological Survey, has found that the structure is necessary, on the basis of existing geologic and engineering data, for the proper exploration, development, and production of the tract. The lessee's exploratory and development plans, filed under 30 CFR 250.54, shall identify the anticipated placement and grouping of necessary structures, showing how much placement and grouping will have the maximum practicable effect on commercial fishing operations. The Area Supervisor may decline to approve the installation of a structure at a site which he determines will unreasonably interfere with other uses of the area.

Also any lease issued for Tracts Nos. La. 2272, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, and 2292, will include the following stipulation:

During all drilling, reworking, and production operations on the leased area, the lessee shall maintain, or have available under contract, adequate oil containment and cleanup equipment approved by the Area Supervisor at a readily accessible site. Within 12 hours after the occurrence of a significant oil spill, as determined by the Area Supervisor, the lessee shall have such equipment in use at the site of the oil spill, unless, because of weather and attendant safety of personnel, the Area Supervisor shall modify this requirement. The lessee shall monitor all drilling, reworking, and production operations either with personnel in the immediate field area or by remote surveillance methods. The proposed method of monitoring and any proposed changes thereof shall be approved by the Area Supervisor.

On September 12, 1972, bids may be delivered in person to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, only at the Grand Ballroom in the Sheraton Charles Hotel between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. Bids delivered by mail or in person after 9:30 a.m., c.s.t., on that date will be returned to the bidders unopened.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3302.2, 3302.4, and 3302.5. Each bidder must submit the certification required by 41 CFR 60-1.7 (April 28, 1966) and Executive Order No. 11246 of September 24, 1966, on Form 1140-1 (December 1971) and Form 1140-7 (July 1971). Bidders are advised that all leases granted pursuant to this notice will include their provisions a "Certification of Non-segregated Facilities", and that, in submitting their bids, bidders are deemed to have agreed to the inclusion of this certification in any lease issued to them hereunder.

Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are advised that any proposed changes thereof shall be approved by the Area Supervisor.

Official leasing maps in a set of 55, which contains the maps for the areas in which the tracts being offered for lease may be located, is available for $5 per set. The official leasing maps and copies of the Compliance Report Certification Form 1140-1 (December 1971) and copies of the Affirmative Action Program Representation Form 1140-7 (July 1971) may be obtained from the above-listed Manager or Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1964; Revised Apr. 28, 1966; July 25, 1968)

<table>
<thead>
<tr>
<th>Ship Shoal Area</th>
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</thead>
<tbody>
<tr>
<td>Tray No. Block Description Acres</td>
</tr>
<tr>
<td>La. 2247</td>
</tr>
<tr>
<td>La. 2248</td>
</tr>
<tr>
<td>La. 2249</td>
</tr>
<tr>
<td>La. 2250</td>
</tr>
</tbody>
</table>

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A

(Approved Sept. 3, 1955; Revised Apr. 28, 1966)

<table>
<thead>
<tr>
<th>Ship Shoal Area—South Addition</th>
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</thead>
<tbody>
<tr>
<td>Tray No. Block Description Acres</td>
</tr>
<tr>
<td>La. 2261</td>
</tr>
<tr>
<td>La. 2252</td>
</tr>
<tr>
<td>La. 2253</td>
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<tr>
<td>La. 2254</td>
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<td>La. 2255</td>
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<td>La. 2256</td>
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<td>La. 2257</td>
</tr>
</tbody>
</table>

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NOTICES

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6A
(Approved Sept. 8, 1959; Revised Apr. 28, 1966; July 22, 1966)

Tract No. Block Description Acreage
La. 2258 215 All ........................... 5,000
La. 2259 202 All ........................ 8,772.18

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6B
(Approved Sept. 8, 1959; Revised Apr. 28, 1966; July 22, 1966)

Tract No. Block Description Acreage
La. 2258 215 All ........................... 5,000
La. 2259 202 All ........................ 8,772.18

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7
(Approved June 8, 1954; Revised Apr. 28, 1966)

Grand Isle Area
La. 2276 35 All ........................... 4,999.96
La. 2271 40 All ........................... 4,894.45

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8
(Approved June 8, 1954; Revised Apr. 28, 1966)

West Delta Area
La. 2277 35 All ........................... 1,883
La. 2277 36 Block B ........................ 1,446
La. 2277 48 N/S .......................... 1,382,882
La. 2278 101 All ........................ 6,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8A
(Approved Sept. 8, 1959; Revised Nov. 24, 1961; April 28, 1966)

West Delta Area—South Addition
La. 2277 13 All ........................ 5,000
La. 2277 14 All ........................ 5,000
La. 2277 15 All ........................ 5,000
La. 2280 184 All ........................ 5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9
(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

South Pass Area
La. 2287 46 All ........................ 2,712
La. 2287 47 All .......................... 2,951.94
La. 2288 48 All ........................ 4,899.99
La. 2288 49 All ........................ 4,999.99
La. 2288 50 All ........................ 4,999.99
La. 2288 51 All ........................ 4,999.99
La. 2288 52 All ........................ 4,999.99
La. 2288 53 All ........................ 4,999.99

Some of the tracts offered for lease may fall in fairway areas (including the prolongations thereof) or anchorage areas, or both as designated by the District Engineer, New Orleans District, Corps of Engineers, U.S. Army. For the location of these areas and for operational restrictions imposed by the Agency, the District Engineer should be consulted.

Leases issued pursuant to this notice for lands which are on the date of their issuance not subject to the exclusive jurisdiction and control of the United States, will be subject to all rules and regulations which the Secretary of the Interior is authorized to prescribe and administer under the Outer Continental Shelf Lands Act (43 U.S.C. secs. 1331-1343) including rules and regulations for the prevention of waste and for conservation of the natural resources of the Outer Continental Shelf. The protection of correlative rights therein will be administered by the Secretary of the Interior in accordance with such rules and regulations.

In the event a cooperative agreement is concluded between the Secretary and the Conservation Agency of the State of Louisiana with respect to enforcement of conservation laws, rules, and regulations pursuant to section 5 of the Act, the lessee will be given notice thereof by publication in the Federal Register.

It is suggested that bidders submit their bids in the following form:

Manager, Bureau of Land Management, Department of the Interior, Post Office Box 36009, T-3003 Federal Office Building, New Orleans, LA 70133.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the land of the Outer Continental Shelf specified below:

Area: Official Leasing Map No. 9

Tract No. Am. Acre Amount Bids submitted
La. 2287 46 All .......................... 2,712
La. 2287 47 All .......................... 2,951.94
La. 2288 48 All ........................ 4,899.99
La. 2288 49 All ........................ 4,999.99
La. 2288 50 All ........................ 4,999.99
La. 2288 51 All ........................ 4,999.99
La. 2288 52 All ........................ 4,999.99
La. 2288 53 All ........................ 4,999.99

1 Portion in Zone 2 only, as that zone is defined in the
2 Portion in Zone 3 only, as that zone is defined in the

Office of the Secretary
[INT FES 72-24]

LYMAN-TORRINGTON 115-KV TRANSMISSION LINE AND TORRINGTON SUBSTATION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for construction of the Lyman-Torrington 115-kv transmission line and Torrington Substation, an authorized feature of the Pick-Sloan Missouri Basin Program. This statement concerns the
construction of the 13.2-mile transmission line from the existing Lyman Substation to the proposed Torrington Substation site and the construction of the Torrington Substation. The principal function of the project is to provide adequate additional power to improve the reliability of the existing 34.5-kv system presently serving the city of Torrington (population 4,237) and other municipal and rural loads in the area.

Copies are available from:
Division of Engineering Support, E&B Center, Technical Services Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.
Office of Regional Director, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-4441.

Single copies of the final environmental statement may be obtained on request to the above offices. In addition, copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, for $3 each. Please refer to the statement number above.

Dated: July 31, 1972.

W. W. Lyons, Deputy Assistant Secretary of the Interior.

[FR Doc. 72-12352 Filed 8-4-72; 8:46 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1973)

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published in 37 F.R. 13352 is amended as follows:

1. The second sentence of section 25 entitled "Rice, Rough—Unrestricted Use Sales—P.O.B. warehouse" is revised to read as follows:

The formula price for August 1972 is the 1972 loan rate plus 5 percent plus 12 cents per hundredweight.

2. The first sentence of section 36 entitled "Cotton, Upland—Unrestricted Use Sales" is revised to read as follows:

"Competitive offers under the terms and conditions of Announcement NO-C-33 (Disposition of Upland Cotton—For Unrestricted Use and Under Barter Contracts, as amended)."

Effective date: 2:30 p.m. EDT, July 31, 1972.


Kenneth E. Frick, Executive Vice President, Commodity Credit Corporation.

[FR Doc. 72-12352 Filed 8-4-72; 8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6151; Docket No. FDCC-D-488; NDA 6-161 etc.]

ROCHE LABORATORIES AND E. R. SQUIBB & SONS

Certain Preparations Containing Dihydropyrole or Pipazethate Hydrochloride; Notice of Withdrawal of Approval of New-Drug Applications

A notice was published in the Federal Register of May 9, 1972 (37 F.R. 9354), extending to each holder of a new-drug application listed below, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of each listed application and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e)), and under authority delegated to him (21 CFR 2.120), finds that there is a lack of substantial evidence that the drug will have the effect purported or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above-listed, new-drug applications and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the Federal Register (8-5-72).

Dated: July 26, 1972.

Sam D. Fine, Associate Commissioner for Compliance.

[FR Doc. 72-12248 Filed 8-4-72; 8:46 am]

USV PHARMACEUTICAL CORP.

Hexamethonium Chloride for Oral Use; Notice of Withdrawal of Approval of New Drug Application

On March 30, 1972, there was published in the Federal Register (37 F.R. 6511) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of following new drug application in the absence of substantial evidence that oral forms of hexamethonium chloride will have the antihypertensive effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

NDA 8-881: Hexamethonium Chloride Tablets; USV Pharmaceutical Corp., 1 Scarsdale Road, Tuckahoe, NY 10707.

USV Pharmaceutical Corp., by letter of May 15, 1972, elected not to avail itself of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e)), and under authority delegated to him (21 CFR 2.120), finds on the basis of the new information before him with respect to such drug, evaluated together with the labeling and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the Federal Register (8-5-72).

Dated: July 26, 1972.

Sam D. Fine, Associate Commissioner for Compliance.

[FR Doc. 72-12249 Filed 8-4-72; 8:45 am]

Office of Education

NOTICES

FUNDING UNDER EMERGENCY SCHOOL ASSISTANCE PROGRAM

Further Notice of Continuation

Notice was previously published in the Federal Register (July 14, 1972, 37 F.R. 13816) indicating that the Commissioner of Education would consider applications
for amendments to grants awarded to local educational agencies and community groups under the Emergency School Assistance Program (ESAP) in fiscal year 1972. Such amendments could support program activities through January 31, 1973, pursuant to Public Law 92-304 (H.J. Res. 1234, making continuing appropriation for fiscal year 1973). That notice indicated that assistance would be limited to local educational agencies and community groups which received ESAP grants in fiscal year 1972 pursuant to 45 CFR Part 181. In the light of comments received on the July 14 notice, the Commissioner of Education hereby gives notice that, subject to the continued availability of funds after August 18, 1972, he will also consider applications for amendments to ESAP grants of local educational agencies and community groups which received such grants on or after June 1, 1971, for operation of programs during fiscal year 1972, which applications otherwise fall within the terms of the notice published on July 14, 1972, and are consistent with applicable regulations (Public Law 92-304).

Effective date: In accordance with section 431(b) of the General Education Provisions Act, this notice shall be effective 30 days after publication in the Federal Register.

Dated: August 1, 1972.

S. P. Marland, J. R.
U.S. Commissioner of Education.

Approved: August 2, 1972.

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

[FR Doc. 72-12400 Filed 8-4-72; 8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice and Order Convening Hearing

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), Docket No. 50-271.

Vermont Yankee Nuclear Power Corp. (Vermont or Applicant) filed on July 13, 1972 a motion pursuant to § 2.601 of the Commission's rules of practice, issued pursuant to section 102 of the Atomic Energy Act, as amended, as added by Public Law 92-307 (1972) and also filed pursuant to § 50.57(d) of 10 CFR Part 50 for a temporary operating license for full power operation employing closed cycle cooling mode for the constructed nuclear power facility located at Vernon, Vt. The motion was accompanied by affidavits setting forth the facts upon which Vermont requests its authority to justify the issuance of such a license.

Pursuant to requests by the Regulatory Staff (Staff) and the New England Co-alition on Nuclear Pollution (Coalition), the Atomic Safety and Licensing Board granted extensions of time to file answering affidavits, and good cause shown and in view of the fact that all parties had concluded that the hearing on this motion could conveniently be held on or about August 2, 1972, in accordance with the requirements and directions of § 2.604 of the rules of practice issued by the Atomic Energy Commission pursuant to that public law, including particularly the rules designated in Subpart F of Part 2 of the Commission's rules of practice and including §§ 2.600 through 2.607, inclusive.

In accordance with requirements of the applicable rules of practice, the following information is given. The names and addresses of the persons who are parties to the proceeding are:

Vermont Yankee Nuclear Power Corp., c/o John A. Blashfield, Esq., Gray, Gray, 225 Franklin Street, Boston, MA 02110.


Commonwealth of Massachusetts, c/o Honorable Greg I. McGregor, Assistant Attorney General, 370 State House, Boston, Mass. 02133.

State of Vermont, c/o Honorable John A. Calhoun, Assistant Attorney General, Pavilion Office Building, 109 State Street, Montpelier, VT 05602.


Conservation Society of Southern Vermont, Inc., c/o Harvey D. Carter, Jr., Esq., William, Witten, and Carter, 115 Elm Street, Bennington, VT 02530.


The hearing on this motion will be concluded after all oral arguments have been presented and it is contemplated that this hearing will be concluded on August 15, 1972. Since the record basis for the hearing has been established by this Order to be the motion, answers and supporting affidavits, the parties desiring to submit proposed findings and conclusions consistent with the rules of practice for this proceeding seeking a temporary operating license, shall submit to the Board and serve on other parties, such proposed findings and conclusions at the opening of this hearing at 9 a.m. on Tuesday, August 15, 1972.

Issued: August 4, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,

SAMUEL W. JENKINS,
Chairman.

[FR Doc. 72-12417 Filed 8-4-72; 8:35 am]

CIVIL SERVICE COMMISSION

MEDICAL RADIOLOGY TECHNICIAN,
SUFFOLK COUNTY, N.Y.

Notice of Establishment of Minimum Rates and Rate Ranges

Correction

In F.R. Doc. 72-11984, appearing on page 15445 of the issue of Wednesday, August 2, 1972, the figures appearing in column 10 should read as follows:

<table>
<thead>
<tr>
<th>Rate Ranges</th>
<th>$10,032</th>
<th>10,735</th>
<th>11,417</th>
<th>12,917</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10,032</td>
<td>$10,735</td>
<td>$11,417</td>
<td>$12,917</td>
<td></td>
</tr>
</tbody>
</table>
NOTICES

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COSTA RICA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 2, 1972.

On December 3, 1971, there was published in the Federal Register (36 F.R. 23060), a letter dated November 28, 1971, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing levels of restraint applicable to cotton textile products in Categories 53 and 61 produced or manufactured in Costa Rica and exported to the United States during the 12-month period beginning October 1, 1971, and extending through September 30, 1972.

These levels of restraint are subject to adjustment pursuant to paragraph 4 of Article 3 of the Long-Term Arrangement Regarding International Trade in Cotton Textile Products in the Republic of Korea. The agreement also contains provisions for the implementation of Textile Agreements to the Commissioner of Customs, regarding imports into the United States of cotton textile products from Costa Rica, in excess of the following adjusted levels of restraint:

<table>
<thead>
<tr>
<th>Category</th>
<th>Adjusted 12-month levels of restraint</th>
</tr>
</thead>
<tbody>
<tr>
<td>53</td>
<td>dozen 30,870</td>
</tr>
<tr>
<td>61</td>
<td>76,321</td>
</tr>
</tbody>
</table>

The actions taken with respect to the Government of Costa Rica and with respect to imports of cotton textile products from Costa Rica have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources.

FEDERAL REGISTER, VOL. 37, NO. 152—SATURDAY, AUGUST 5, 1972

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 2, 1972.

On March 10, 1972, there was published in the Federal Register (37 F.R. 15149) a letter of March 6, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the bilateral wool and man-made fiber textile agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea which establish specific export limitations on wool and man-made fiber textile products in certain categories, produced or manufactured in the Republic of Korea, for the agreement year beginning October 1, 1971.

The notice which accompanied the aforesaid letter, and was also published in the Federal Register on March 10, 1972, contained the following statement:

The agreement also contains provisions for the establishment of conmitation levels for those categories not having specific export limitations for the agreement year beginning October 1, 1971. These levels, which are initially to be controlled by the Government of the Republic of Korea, could at a later date be controlled by the U.S. Government in accordance with the procedures of Executive Order 11651 of March 3, 1972.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONERS OF CUSTOMS

Department of the Treasury

Washington, D.C. 20226

AUGUST 2, 1972.

Dear Mr. Commissioner: Under the provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the period extending through September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 237 and 240, produced or manufactured in the Republic of Korea, in excess of the following levels of restraint:

<table>
<thead>
<tr>
<th>Category</th>
<th>Adjusted levels of restraint</th>
</tr>
</thead>
<tbody>
<tr>
<td>237</td>
<td>Number...13,079</td>
</tr>
<tr>
<td>240</td>
<td>Pounds...11,123</td>
</tr>
</tbody>
</table>

The adjusted levels of restraint reflect entries made through June 30, 1972. The levels have not been adjusted to reflect any entries made after June 30, 1972.

Entries of man-made fiber textile products in the above categories produced or manufactured in the Republic of Korea and which have been exported to the United States prior to October 1, 1971, shall not be subject to this directive.

Man-made fiber textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on April 29, 1972 (37 F.R. 8802).
NOTICES

Atlantic has been delivering natural gas to Natural under its Rate Schedules Nos. 39, 158, and 246 from acreage in the Hagist Ranch Field, Duval and Mullen Counties, Tex., at rates of 19, 15.6585, and 15.0577 cents per Mcf, respectively, as under its Rate Schedules Nos. 40, 247, and 248 from the Clayton L. Field, Live Oak County, Tex., at a rate of 19 cents per Mcf. Atlantic contends that all remaining reserves as of August 1, 1972, under the leases subject to the contracts filed as its Rate Schedules Nos. 159 and 246, and as of April 1, 1972, under the leases subject to the contracts filed as its Rate Schedules Nos. 247 and 248 are not contractually committed and that the gas thereafter delivered will be gas of which it is contractually free to dispose. Since Natural will be purchasing gas which was never committed to it, Atlantic further asserts, it is new gas within the terms of Commission Opinion No. 595 and it is entitled to a price of 24 cents per Mcf.

Atlantic bases this contention on a contract provision in each of the subject contracts, which provides that Atlantic shall have the right to sell and deliver to parties other than the contract parties (Natural) all surplus gas which may be produced from the lands and leases subject to the respective contract, the quantity of such surplus gas being equal to the difference between the remaining reserves as of August 1, 1972, dedicated to the subject contract less one and one half times the undelivered quantity thereunder.

Getty has been delivering natural gas to Transco from acreage in the La Gloria Field, Brooks and Jim Wells Counties, Tex., under its Rate Schedule No. 15 at a rate of 19 cents per Mcf. Getty asserts that the gas now being delivered under the subject rate schedule was never committed under the contract which is now expired, and such gas therefore qualifies as new gas within the terms of Commission Opinion No. 595. Getty further asserts that there is precedent for granting it a 24-cent price for such new gas as a new gas rate was granted to Mobil Oil Corp. under its Rate Schedule No. 318, so that the rate expired on January 19, 1972, Getty filed an application to abandon the subject sale to Transco, so the subject gas sales could be transferred to Mobil Oil Corp. under its Rate Schedule No. 318. This application was consolidated in the proceeding, Hilda B. Weinert et al., Applicant under a long-term firm contract with Tennessee Gas Pipeline Co., under its Rate Schedule No. 39, 40, and 247 from acreage in the Hilda B. Weinert et al., Docket No. G-2730, et al., which is presently pending.

Mobil Oil Corp. has been delivering natural gas to Tennessee from acreage in the North Government Wells Field, Duval County, Tex., and from the Heyser Field, Victoria County, Tex., at a rate of 19 cents per Mcf. Mobil contends that the gas now being delivered under the subject contracts, as filed under the respective Contract, the subject contract was for a period of 20 years and it was required to maintain reserves in excess of the quantity of gas to be sold, the gas now being sold is that portion of the reserves in excess of the quantity required to be sold. Mobil claims, such gas now being purchased by Tennessee is new gas and it is entitled to a 24-cent rate for this gas by the terms of Commission Opinion No. 595. Mobil states that precedent for this increase exists in Shell Oil Co., Docket No. RJ72-106.

The Commission has granted Atlantic, Mobil, and Getty temporary authorizations to transport sales of natural gas at 19 cents per Mcf, and has either suspended their proposed increases of 24 cents per Mcf for 1 day from the expiration of the statutory notice period or proposed effective date, whichever is later, or placed said 24 cents per Mcf rate in effect subject to refund.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before August 21, 1972, file with the Federal Power Commission, Washington, D.C. 20456, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

FEDERAL REGISTER

[FR Doc.72-12289 Filed 8-4-72;8:48 am]

FEDERAL POWER COMMISSION

[DOCKET NO. G-3219, ETC.]

ATLANTIC RICHFIELD CO. ET AL.
Notices of Petitions To Amend

July 31, 1972.

Atlantic Richfield Co. (Atlantic), Getty Oil Co. (Getty) and Mobil Oil Co. (Mobil) have on the dates indicated submitted notices of changes in rates under the various rate schedules indicated, proposing unilateral rate increases to 24 cents per Mcf for gas presently sold to Natural Gas Pipeline Company of America (Natural), Transcontinental Gas Pipeline Co. (Transco) and Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee) respectively, from the Texas Gulf Coast pricing area. Such notices are being construed herein to be petitions to amend orders 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 NEUMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

NOTICES

Atlantic has been delivering natural gas to Natural under its Rate Schedules Nos. 39, 158, and 246 from acreage in the Hagist Ranch Field, Duval and Mullen Counties, Tex., at rates of 19, 15.6585, and 15.0577 cents per Mcf, respectively, as under its Rate Schedules Nos. 40, 247, and 248 from the Clayton L. Field, Live Oak County, Tex., at a rate of 19 cents per Mcf. Atlantic contends that all remaining reserves as of August 1, 1972, under the leases subject to the contracts filed as its Rate Schedules Nos. 159 and 246, and as of April 1, 1972, under the leases subject to the contracts filed as its Rate Schedules Nos. 247 and 248 are not contractually committed and that the gas thereafter delivered will be gas of which it is contractually free to dispose. Since Natural will be purchasing gas which was never committed to it, Atlantic further asserts, it is new gas within the terms of Commission Opinion No. 595 and it is entitled to a price of 24 cents per Mcf.

Atlantic bases this contention on a contract provision in each of the subject contracts, which provides that Atlantic shall have the right to sell and deliver to parties other than the contract parties (Natural) all surplus gas which may be produced from the lands and leases subject to the respective contract, the quantity of such surplus gas being equal to the difference between the remaining reserves as of August 1, 1972, dedicated to the subject contract less one and one half times the undelivered quantity thereunder.

Getty has been delivering natural gas to Transco from acreage in the La Gloria Field, Brooks and Jim Wells Counties, Tex., under its Rate Schedule No. 15 at a rate of 19 cents per Mcf. Getty asserts that the gas now being delivered under the subject rate schedule was never committed under the contract which is now expired, and such gas therefore qualifies as new gas within the terms of Commission Opinion No. 595. Getty further asserts that there is precedent for granting it a 24-cent price for such new gas as a new gas rate was granted to Mobil Oil Corp. under its Rate Schedule No. 318, so that the rate expired on January 19, 1972, Getty filed an application to abandon the subject sale to Transco, so the subject gas sales could be transferred to Mobil Oil Corp. under its Rate Schedule No. 318. This application was consolidated in the proceeding, Hilda B. Weinert et al., Applicant under a long-term firm contract with Tennessee Gas Pipeline Co., under its Rate Schedule No. 39, 40, and 247 from acreage in the Hilda B. Weinert et al., Docket No. G-2730, et al., which is presently pending.

Mobil Oil Corp. has been delivering natural gas to Tennessee from acreage in the North Government Wells Field, Duval County, Tex., and from the Heyser Field, Victoria County, Tex., at a rate of 19 cents per Mcf. Mobil contends that the gas now being delivered under the subject contracts filed as its Rate Schedules Nos. 45 and 86 a daily contract quantity of natural gas equal to 1,000 Mcf per day for each 10 million Mcf of reserves on the contract date, in place within the committed reserves; and since the contract term was for a period of 20 years and it was required to maintain reserves in excess of the quantity of gas to be sold, the gas now being sold is that portion of the reserves in excess of the quantity required to be sold. Mobil claims, such gas now being purchased by Tennessee is new gas and it is entitled to a 24-cent rate for this gas by the terms of Commission Opinion No. 595. Mobil states that precedent for this increase exists in Shell Oil Co., Docket No. RJ72-106.

The Commission has granted Atlantic, Mobil, and Getty temporary authorizations to transport sales of natural gas at 19 cents per Mcf, and has either suspended their proposed increases of 24 cents per Mcf for 1 day from the expiration of the statutory notice period or proposed effective date, whichever is later, or placed said 24 cents per Mcf rate in effect subject to refund.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before August 21, 1972, file with the Federal Power Commission, Washington, D.C. 20456, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.
of a transportation agreement between Tennessee and Applicant dated July 7, 1972, by which Tennessee will receive from Hopco for Applicant's account and deliver to Applicant in transportation volumes of up to 10,000 Mcf per day during the limited term ending on October 31, 1973. Applicant states that Hopco will deliver said volumes of revaporized gas, as scheduled, to Tennessee at an existing point of interconnection between Tennessee's 24-inch mainline and the outlet of the Hopco LNG plant. Applicant believes that a formal hearing is required, if the Commission on its own motion be permitted to intervene if timely filed, or this application if no petition to intervene is timely filed, or the authority contained in Section 15 of the Natural Gas Act and the rules. Applicant will insure full use of its revaporized gas for peak day requirements throughout its Worcester system during the 1972-73 winter season.

Inasmuch as Applicant's proposed transportation of natural gas is to ensure the maximum utilization of the subject gas, during the forthcoming heating season, it appears reasonable and consistent with the public interest and convenience and necessity. If a petition to intervene is timely filed, the protested issues in Docket No. RP72-154 will require that the revised sheets be accepted in lieu of those contained in El Paso's FPC Gas Tariff, as proposed to be amended in Docket No. RP72-151 Revised Tariff Sheets as contained in Footnote 1 above be suspended and the use thereof be deferred as herein provided, and

The Commission finds:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 3 and 5 of the Natural Gas Act and the Commission's rules of practice and procedures, a hearing will be held without further notice before the Commission on this application if no petition to intervene is timely filed, or the protest in accordance with the Commission's rules.

The Notice of Filing, as published in the Federal Register, Vol. 37, No. 152—Saturday, August 5, 1972, states that the protestant's petition to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise stated it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD, Acting Secretary.

[F.R. Doc. 72-12265 Filed 8-4-72: 8:46 a.m.]
order to accommodate natural gas requests it has received from right-of-way grantees who, as partial consideration for the right-of-way grants, have reserved the right to natural gas service. Natural gas will be sold and delivered by applicant to Southern Union, General, Pioneer, and Tribal Utility for resale and delivery to said right-of-way grantees at delivery points situated at various points throughout its Southern Division System.

Applicant states that, during the third full year of operation of the proposed facilities, the estimated annual natural gas requirements to serve the twelve will be 82,066 Mcf and during the 1975-76 heating season, with peak day deliveries will be 428 Mcf. The sales and deliveries will be made in accordance with service agreements in effect between applicant and said distributor customers. The rates which shall apply to such sales and deliveries are those contained in rate schedules of applicant’s FPC Gas Tariff, Original Volume No. 1, or superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1972, file with the Commission a protest. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the requirements of § 154.38(d) (4) of the Commission's rules of practice and procedure, a hearing will be held without notice by the Commission on its own motion or when a petition to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

[FR Doc.72-12269 Filed 8-4-72;8:47 am]

[DOCKET NO. RP72-3]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 31, 1972.

Take notice that on July 3, 1972, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79976, filed an application in Docket No. CP72-3 pursuant to section 6(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas to Southern Union Gas Co. (Southern Union), General Utilities, Inc. (General), Pioneer Natural Gas Co. (Pioneer), and the Navajo Tribal Utility Authority (Tribal Utility) to deliver to right-of-way grantees on El Paso’s Southern Division System, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it proposes to install a total of 12 mainline taps, at a total estimated cost, including overhead, contingency, and filing fee of $9,919, in

FLORIDA GAS TRANSMISSION CO. ET AL.

Order Accepting for Filing and Suspending Proposed Tariff Change, Consolidating Proceedings and Permitting Interventions

JULY 31, 1972.

On June 14, 1972, Florida Gas Transmission Co. (Florida Gas) tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2, to become effective August 1, 1972. The proposed changes are designed to realign Florida Gas’ resale rates and its rates for transportation services at current revenue levels in conformity with the cost allocation and rate design principles determined by the Commission in its Opinion No. 611, issued February 16, 1972, in Docket No. RP66-4 et al. Florida Gas states that application of these principles to its currently effective rates results in underdeferral and underrecovery under its Rate Schedules I, and T-3 and overcollections for service under its Rate Schedule G. Florida Gas says that its proposed rate changes are designed to adjust its rates, at current revenue levels, so as to provide for the maximum statutory 5-month period. City Gas requests a 5-month suspension as well as consolidation of this docket with Florida Gas’ pending general rate change docket with Florida Gas, Docket Nos. RP70-25 for purposes of hearing and decision. Central Florida claims, inter alia, that the filing is not in compliance with Opinion No. 611 and urges rejection of the filing, or, alternatively, suspension for 5 months with provisions for a conference to allow Staff and the parties to reach an agreement whereby the rates may be further postponement pending review by the Commission. Florida Gas, on July 21, 1972, filed an answer to the petitions to intervene in which it reiterates the purpose of its filing as one of protection against the exposure to financial

1 Original Volume No. 1, First Revised Sheet No. 3-8: Original Volume No. 2, Eighth Revised Sheets Nos. 27 and 63, Sixth Revised Sheet No. 128.
risk and contends that its proposed rates should become effective on August 1, 1972.

Our review of the various pleadings indicates that rejection of the filing is not justified and that in view of the prospective nature of the filing a suspension of the proposed rates for 3 months could have an adverse financial impact on Florida Gas. However, in view of the fact that the allocation and rate design provisions of which the proposed rates are designed are the subject of the pending rehearing of Opinion No. 611 and because of the issues raised by the pleadings we believe that a 1 day suspension is reasonable and appropriate and that hearing should be ordered. Since there has yet been no determination of Florida Gas’ rates in Docket No. RP 72-25 it is appropriate to consolidate the filing herein with that proceeding for hearing and decision.

Review of the filing indicates that certain issues are raised which require development in the proceeding. The proposed changes in rates and charges have not been shown to be just or may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:
1. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Revised Tariff herein be utilized to meet the estimated peak day needs on its Worcester system during the 1972-73 winter period.
2. In view of all the facts and circumstances in this case, the Commission’s action herein of permitting the subject rate changes to become effective, subject to the rules and regulations of the Commission: Provided, however, That the participation of such intervenors shall not be construed as recognizing that they or any of them might be aggrieved because of any order or orders issued by the Commission in these proceedings.
3. Pursuant to § 2.59(c) of the Commission’s rules of practice and procedure, Florida Gas shall promptly serve true copies of its filing upon all of the above-mentioned intervenors, unless such service has already been effected pursuant to Part 154 of the regulations under the Natural Gas Act.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

[F.R. Doc. 72-12372Filed 8-4-72; 8:47 a.m.]

[Docket No. CP73-26]

HOPKINTON LNG CORP.

Notice of Application

August 3, 1972.

Take notice that on July 28, 1972, Hopkinton LNG Corp. (Applicant), 130 Austin Street, Cambridge, MA 02139, filed in Docket No. CP73-26 an application pursuant to the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Commonwealth Gas Co. (Commonwealth), all volumes of natural gas to an existing 24-inch mainline in the Commonwealth’s Worcester distribution system during the 1972-73 winter period.

Pursuant to the provisions of a long-term service agreement, Applicant has agreed to liquefy and store natural gas received from Commonwealth for the latter’s account at Applicant’s LNG plant and thereafter to revaporize it for return to Commonwealth’s Worcester distribution system at a total price of $1.59 per Mcf until October 31, 1973. Applicant states that all the revaporized gas were returned directly to Commonwealth’s Worcester system from Applicant’s LNG plant, and such gas could not be utilized to meet the estimated peak day needs on its Worcester system during the 1972-1973 winter period without the construction of additional distribution facilities estimated to cost $2,250,000. Consequently, Applicant states that Commonwealth has executed a transportation agreement with Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), pursuant to which Tennessee has agreed to receive from Applicant for Commonwealth’s account and deliver to Commonwealth the transportation volumes of up to 10,000 Mcf per day until October 31, 1973. Applicant therefore seeks an allocation of additional reserves of revaporized gas for Commonwealth’s account at an existing point of interconnection between the outlet of Applicant’s LNG plant and Tennessee’s existing 24-inch mainline. The Tennessee will transport and deliver equivalent volumes of natural gas to an existing point of interconnection on Commonwealth’s Worcester distribution system, subject to refund, pending Commission determination of the justness and reasonableness of such changed rates, is consistent with the Economic Stabilization Act of 1970, as amended, and the regulations existing thereunder.

The Commission orders:
1. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed rates be utilized to meet the estimated peak day needs on its Worcester system during the 1972-73 winter period.
2. In view of all the facts and circumstances in this case, the Commission’s action herein, if the Commission on its own motion required, further notice of such hearing is timely filed, or if the Commission on its own motion required, further notice before the Commission on its own motion.
3. Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, if the application filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission’s rules and regulations.

Take further notice that, pursuant to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, if the application filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission’s rules and regulations.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[F.R. Doc. 72-12375 Filed 8-4-72; 2:50 a.m.]

FEDERAL REGISTER, VOL. 37, NO. 152—SATURDAY, AUGUST 5, 1972

NOTICES

15893

NOTICES

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing and Procedures

JULY 31, 1972.

On July 1, 1972, Mississippi River Transmission Corp. (Mississippi) tendered for filing revised tariff sheets 1 as a part of its FPC Gas Tariff, First Revised Volume No. 1, and proposed that they become effective August 1, 1972. The proposed changes would increase Mississippi's revenues by $9,730,000 annually based on the 12 months ended March 31, 1972, as adjusted. Of the $9,730,000 increase, $2,100,000 consists of the jurisdictional portion of gas cost increases applicable to Mississippi from two pipeline suppliers. This amount may be recovered by PGA filings independently of Mississippi from two pipeline suppliers. This amount may be recovered by PGA filings independently of Mississippi from two pipeline suppliers. This amount may be recovered by PGA filings independently of Mississippi from two pipeline suppliers. This amount may be recovered by PGA filings independently of Mississippi from two pipeline suppliers.

Pursuant to Article V of the Stipulation and Agreement approved by order issued August 2, 1971, in Docket No. RP71-87, Mississippi may not place into effect increases in its rates (other than purchased gas cost adjustments) before January 1, 1973. Mississippi states that its filing is made in anticipation of a 5-month suspension period with the possibility of becoming effective January 1, 1972.

Notice of Mississippi's tender was issued on July 17, 1972, and protests and petitions to intervene are due by August 2, 1972.

The Commission finds:

(1) A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding.

(2) The proposed rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Mississippi's FPC Gas Tariff, First Revised Volume No. 1, and that the proposed tariff sheets listed above be suspended, and the use thereof be deferred as herein provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference at 10 a.m. on October 24, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classification and services contained in Mississippi's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended.

(B) Pending such hearing and decision thereon, Mississippi's proposed revised tariff sheets are hereby suspended, and the use thereof is deferred until January 1, 1972.

(C) At the prehearing conference on October 24, 1972, the prepared testimony and exhibits identified, subject to appropriate motions, if any, of the parties to the proceeding. All parties are expected to effectuate the intent and purposes of § 2.59 of the Commission's rules of practice and procedure at the prehearing conference.

(D) On or before October 13, 1972, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits identified, subject to appropriate motions, if any, of the parties to the proceeding. All parties are expected to effectuate the intent and purposes of § 2.59 of the Commission's rules of practice and procedure at the prehearing conference.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, subject to appropriate motions, if any, of the parties to the proceeding. All parties are expected to effectuate the intent and purposes of § 2.59 of the Commission's rules of practice and procedure at the prehearing conference.

By the Commission.

[SEAL] MARY B. KIDD, Acting Secretary.

[FR Doc.72-12270 Filed 8-4-72; 8:47 am]

NOTICES

NATIONAL GAS SURVEY COORDINATING COMMITTEE

Order Designating Secretary

August 1, 1972.

The Federal Power Commission by order issued May 10, 1971, established a Coordinating Committee of the National Gas Survey.

1. Secretary. A new Secretary to the Coordinating Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

D. Jane Nix, Attorney—Special Assistant to the General Counsel, Office of the General Counsel, Federal Power Commission.

Mrs. Nix will fill the position vacated by the resignation of Mr. John P. Mathis, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] MARY B. KIDD, Acting Secretary.

[FR Doc.72-12272 Filed 8-4-72; 8:47 am]

PRUDENTIAL DRILLING CO. ET AL.

Notice of Applications for "Small Producer" Certificates 2

JULY 25, 1972.

Take notice that each of the applicants listed herein has filed an application, pursuant to section 7 and 15 of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the provisions of the Natural Gas Act and § 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if a formal hearing is required. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB, Acting Secretary.

1. This notice does not provide for consideration of hearing of the several matters covered herein.
### NOTICE

**NOTICES**

**NOTICE OF ORDER FOR HEARINGS ON AND SUSPENSION OF PROPOSED CHANGES IN RATES, AND ALLOWING RATE CHANGES TO BECOME EFFECTIVE SUBJECT TO REFUND**

**TEXAS OIL & GAS CORP., ET AL.**

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

*July 7, 1972.*

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

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

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

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

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

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

By the Commission.

**[SEAL]**

KENNETH F. PEUM, Secretary.

### APPENDIX A

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Date filed</th>
<th>Name of applicant</th>
</tr>
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<tbody>
<tr>
<td>C873-29...</td>
<td>7-10-72</td>
<td>William J. Cobb, R. James Gear, T. F. Buchanan, and Charlotte F. Rowles, Transcontinental Oil Co.</td>
</tr>
<tr>
<td>C873-40...</td>
<td>7-13-72</td>
<td>Gulf Coast Oil Company, Inc.</td>
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</table>

### NOTICE

**NOTICES**

**NOTICE OF ORDER FOR HEARINGS ON AND SUSPENSION OF PROPOSED CHANGES IN RATES, AND ALLOWING RATE CHANGES TO BECOME EFFECTIVE SUBJECT TO REFUND**

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By the Commission.

**[SEAL]**

KENNETH F. PEUM, Secretary.

### APPENDIX A

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Rate in effect subject to refund</th>
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<tr>
<td>R172-280, Transcontinental Oil &amp; Gas Co. *</td>
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<tr>
<td>R172-281, Gulf Oil Corp.</td>
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</table>
The proposed increases exceed the price level for a 1-day suspension and therefore are suspended for 5 months. The proposed increased rates and charges involved here exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy, 6 CFR Part 300, as amended (16 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.15(l) (3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows: (1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR51-1, et al., Opinion Nos. 428, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are otherwise authorized and are at or below the area ceiling. (2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension. (3) By Order No. 423 (36 F.R. 3646) issued February 19, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(b) of the Natural Gas Act (15 U.S.C. 717c (d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling rate for a 1-day suspension. (4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 396, 588, and 607, by Order No. 455.) In these instances and for the reasons set forth in Order No. 423, the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, and as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate, and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

FEDERAL RESERVE SYSTEM

FORT WORTH NATIONAL CORP.
Acquisition of Bank

The Fort Worth National Corp., Fort Worth, Tex., 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 the successor by merger to The American National Bank of Amarillo, Amarillo, Tex. 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 Dallas. 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 September 1, 1972.

Board of Governors of the Federal Reserve System, August 1, 1972.

[Seal] Michael A. Greenspan, Assistant Secretary of the Board.

[FR Doc. 72-12273 Filed 8-4-72; 8:47 am]

UNITED VIRGINIA BANKSHARES INC.
Proposal Retention of United Virginia Mortgage Corporation

United Virginia Bankshares Inc., Richmond, Va., has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843 (c) (8)) and § 225.4 (b) (2) of the Board's Regulation Y, for permission to retain voting shares of United Virginia Mortgage Corporation, Richmond, Va. Notice of the application was published in the following newspapers on the following dates:

Washington, D.C. The Washington Post ... July 14, 1972

Richmond, Va. The Richmond News ... Do.

Roanoke, Va. The Roanoke Times ... Do.

Newport News, Va. The Daily Press ... July 15, 1972

Norfolk, Va. The Virginian Pilot ... July 13, 1972

Applicant states that the proposed subsidiary would continue the activities of a mortgage company by: Originating loans as principal; originating loans as agent; servicing loans for nonaffiliated individuals, partnerships, and corporations; servicing loans for affiliates of the holding company; and mortgage redemption insurance and other activities as may be incidental to the business of a mortgage corporation. Applicant states that it would permit the Board to maintain retail selling price of g

FEDERAL TRADE COMMISSION

CERTAIN TRADERS SERVING NAVAJO AND HOPI INDIAN RESERVATIONS

Resolution Directing Use of Compulsory Process in Public Investigations

Notice is hereby given that the Federal Trade Commission has approved, adopted and entered of record the following resolution directing the use of compulsory process in a public investigation:

To determine whether or not various firms and individuals operating as traders serving the Navajo and Hopi Indian Reservations and others, may be engaged in unfair or deceptive acts or practices, or unfair methods of competition which may be in violation of section 5 of the Federal Trade Commission Act, in so far as not limited to withholding welfare or other checks, conspiring to maintain retail selling price of general merchandise; and failing to comply with the requirements of Regulation Z, the implementing Regulation of the Truth in Lending Act, as amended (Title 1 of the
INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)  
PEERLESS EAGLE COAL CO.  

Application for Renewal Permit; Notice of Opportunity for Public Hearing  

Application for renewal permit for non-compliance with the electric face equipment standard specified in the Federal Coal Mine Health and Safety Act of 1969 has been received as follows:  

ICP Docket No. 3093 000, Peerless Eagle Coal Co., Mine No. 1, USBC ID No. 46 01476 0, Summersville, Nicholas County, W. Va.  

ICP Permit No. 3063 003-R-3 (Joy Coal Cutter, Ser. No. 15307).  

In accordance with the provisions of section 205(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (33 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11396, July 15, 1970), copies of which may be obtained from the Panel on request.  

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Compliance Panel, Eighth Floor, 1720 K Street NW., Washington, DC 20006.  

August 1, 1972.  
GEORGE A. HORNBECK, Chairman, Interim Compliance Panel.  

[FR Doc.72–12286 Filed 8–4–72; 8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS  
NEW MEXICO  

Notice of Major Disaster and Related Determinations  

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970, and by virtue of the Act of December 31, 1970, entitled Disaster Relief Act of 1970 (84 Stat. 1744), as amended by Public Law 92–200 (88 Stat. 742): notice is hereby given that on August 1, 1972, the President declared a major disaster as follows:  

I have determined that the damages in certain areas of the State of New Mexico from severe storms and flooding, beginning about July 17, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of New Mexico. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.  

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.  

I do hereby determine the following area in the State of New Mexico to have been adversely affected by this declared major disaster:  

The county of: McKinley.  

Dated: August 2, 1972.  

G. A. LINCOLN, Director, Office of Emergency Preparedness.  

[FR Doc.72–12281 Filed 8–4–72; 8:46 am]

SECURITIES AND EXCHANGE COMMISSION  

AMERICAN AFFILIATES, INC.  

Notice of Filing of Application for Order Declaring That Company Is Not an Investment Company  

JULY 28, 1972.  

Notice is hereby given that American Affiliates, Inc., formerly known as A. F. Inc. (Applicant), Room 2305, American National Bank Building, South Bend, Ind. 46601, an Indiana corporation, has filed an application for an order pursuant to section 3(b) of the Investment Company Act of 1940 (Act) declaring that the Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, and that it is not an investment company a company which is engaged or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.  

Section 3(a)(3) of the Act further defines as an investment company a company which has or holds itself out as being engaged primarily, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an consolidated basis. The term 'investment securities' includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies. As set forth above, Applicant's investment securities represented by its holdings of Bank stock aggregated $2,444,354 or 53 per cent of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Accordingly, it appears that Applicant may be an investment company as defined in section 3(a)(3) of the Act.  

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company set forth in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of business. Applicant contends it is entitled to an order of exemption under section 3(b)(2) of the Act.
Applicant states that it is now engaged, and Predecessor was engaged, through wholly owned subsidiaries in the following businesses: Mobile home sales, mobile home financing, sale of physical damage insurance and credit life insurance, reinsurance of credit life insurance, and the manufacture of metal stampings for sale primarily to the mobile home industry. Applicant further states that it is now and Predecessor was since 1965 engaged in the banking business through the holding of controlling interest (now 43 percent) interest in the Bank.

The application states that at all times since December 1965 the Predecessor had owned less than 41.4 percent and 23 percent, respectively, of the outstanding stock of the Bank. In addition, the application states that officers and directors of the Applicant, and their wives and children, owned beneficially an average of 8.1 percent of such shares. The application further points out that five of the Bank's 13 directors are also officers of the Applicant, that four of the Applicant's principal executive officers hold similar positions with the Bank, and that two of the Applicant's principal executive officers hold similar positions with the Bank.

The Predecessor had registered as a bank holding company under the Federal Bank Holding Company Act of 1956, as amended. To resolve questions presented under the Act, and the applicable regulations thereunder of the Board of Governors of the Federal Reserve System with respect to the ability of the Applicant to retain certain of its businesses and activities, the Applicant has filed with the Board of Governors an irrevocable declaration in prescribed form that it will divest itself of its interest in the Bank prior to January 1, 1981. The application asserts that this declaration in no way limits the Applicant's present or prospective control of the Bank or diminishes the extent of such control. The application further states that the proposed divestiture is pending complete divestiture. Applicant has not yet determined the timing or manner of such divestiture.

Applicant also contends that it does not come within the definition of "investment company" as defined in section 3(a) of the Act. The application points out that other than the Bank stock, all of Applicant's other investments consist of shares or other securities issued by companies which are wholly owned or substantially wholly owned and none of which is itself an "investment company" as defined in section 3(a) of the Act. The application further states that the Predecessor was engaged in several other businesses in the period March 1969 through March 1972, each of which has been disposed of or terminated for valid business reasons other than that of investing, reinvesting, owning, holding, or trading in securities.

Notice is further given that any interested person may, not later than August 23, 1972, at 5:30 p.m., submit to the Commission 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 submitted with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations 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. Any person who requests a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL]

RONALD F. HUNT, Secretary.
[FR Doc. 72-12282 Filed 8-4-72; 8:48 am]

[F]ile No. 812-3132

BCC INDUSTRIES, INC., ET AL.

Notice of Filing of Application of the Applicants for Order Exempting Proposed Transactions and for Order Permitting Proposed Transactions

JULY 28, 1972.


Notice is hereby given that BCC Industries, Inc. (BCC), a closed end, non-diversified, management investment company registered under the Investment Company Act of 1940 (the Act), Research Industries Incorporated (Research), and Space Ordnance Systems, Inc. (Space), sometimes referred to collectively as "applicants," have filed a joint application pursuant to sections 17(b) and 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act (1) the proposed exercise by Research of the Option to purchase 360 shares (or 71.4 percent) of the outstanding common stock of Space, a California corporation, for $4 a share as to 300 shares and at a price of $5 a share as to 60 shares, and (2) the proposed exercise by Research from BBC of the securities subject thereto, entitled Research until June 2, 1972, to purchase from BBC up to one-half (or 605,180 shares) of BBC's holdings of Space common stock at a price of $8 a share or a total of $4,000,180. Such Option also provides that if Research exercises the Option to purchase one-half of BBC's holdings of Space common stock or 605,180 shares, BBC will transfer and assign to Research without further consideration Space warrants (Warrants) exercisable on or before April 1, 1975, to purchase 75,000 shares of Space common stock at a price of $4 a share and also requests the release of an additional 6.81 percent of such shares.

All interested persons are referred to the application on file with the Commission for a statement of applicant's representative which are summarized below.

SPACE

Space, a California corporation, is primarily engaged in the design, development, manufacture, and sale of space-related products. Space is primarily in the business of investing, reinvesting, or trading in securities, nor does it intend in the future to engage in such activities. The application points out that other than the Bank stock, all of Applicant's other investments consist of shares or other securities issued by companies which are wholly owned or substantially wholly owned and none of which is itself an "investment company" as defined in section 3(a) of the Act. The application further states that the Predecessor was engaged in several other businesses in the period March 1969 through March 1972, each of which has been disposed of or terminated for valid business reasons other than that of investing, reinvesting, owning, holding, or trading in securities.

Notice is further given that any interested person may, not later than August 23, 1972, at 5:30 p.m., submit to the Commission 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 submitted with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations 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. Any person who requests a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL]

RONALD F. HUNT, Secretary.
[FR Doc. 72-12282 Filed 8-4-72; 8:48 am]

[F]ile No. 812-3132
On April 21, 1969, following substantial operating losses sustained by Space during the fiscal year 1968 and 1969, BCC, Space and Research entered into contracts providing for certain other things, for the refinancing of Space (“Refinancing Agreements”). The terms of such Refinancing Agreements provided, in part, that BCC was granted certain options to acquire all of the common stock of Space; that BCC would acquire from Space warrants to purchase 175,000 shares of the latter’s common stock, that Research would acquire an option to purchase 1,197,200 shares of Space common stock at $4 a share and warrants to purchase 75,000 shares of Space common stock at $4 a share, and that BCC would continue to hold note indebtedness of Space.

As of June 3, 1969, following the execution of the Refinancing Agreements and in accordance with their terms, BCC granted the Option to Research.

In accordance with its policy (approved by stockholders) to cease to be an investment company and to become an operating company concentrating in the manufacturing and marketing of space and supplies, BCC entered into an agreement dated January 27, 1972, with Research and Space and certain other parties providing, among other things, for the sale of certain assets, the purchase by BCC of all of its investment in Space, including the securities covered by the Option previously granted by BCC to Research, all of the securities of Space which are subject to the Option; and that Research agree to purchase from BCC all of the Space securities covered by the Option at the Option price and, in addition, 405,180 shares of Space stock and Warrants to purchase 12,500 shares of Space Common Stock for additional consideration.

The Purchase Agreement provided, in pertinent part, that in the event that the Option is exercised during the period from the date of issuance by the Commission of the Order requested by this Application, the Option would be extended until 60 days after issuance by the Commission of the Order requested by this Application.

If the proposed transactions are consummated, BCC would own 605,180 shares or approximately 36 percent of the outstanding common stock of Space. In addition, BCC and Research each would own Warrants for the purchase of 75,000 shares of Space common stock at $4 a share and Warrants for the purchase of 12,500 shares of Space common stock at $8 a share; and BCC would continue to hold note indebtedness of Space.

The application shows that Space common stock is traded in the over-the-counter market and that the range of market quotations on such stock as reported in the National Daily Quotation Service of the National Quotation Bureau for the first quarter of 1972 and the second quarter of 1972, through June 30, 1972, is as follows: First quarter 1972—bid: High—4%; low—3%; asked: High—4½%, low—3½%; second quarter 1972 (through June 30, 1972)—bid: High—4%; low—3½%; asked: High—4½%, low—3½%.

The consolidated net income of Space for the fiscal years ended March 31, 1971, and March 31, 1972, was equal to $0.14 a share, and $0.29 a share, respectively. Included in each such amount is an extraordinary credit attributable to tax benefits resulting from an operating loss carryover of $0.14 a share for fiscal 1971 and $0.18 a share for fiscal 1972. These figures are based upon the average number of shares outstanding, including dilutive common stock equivalents (1971, 1,853,726 shares; 1972, 1,707,526 shares).

APPLICABLE PROVISIONS OF THE ACT

Section 17(a) of the Act as here pertinent, makes it unlawful for an affiliated person (Research) of an affiliated person (Space) of a registered investment company (BCC) to purchase from such investment company or any affiliate of any such person, for the purpose of exercising the Option to Research.

The application states that the terms of the proposed transactions, including the consideration, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposal is consistent with the policy of such investment company and with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, pro-vide as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to dispose of any security by any transaction in connection with, any joint enterprise or other joint arrangement in which any such registered company, or a company controlled by such registered or controlled company, shall be a party to such enterprise or arrangement, unless an application regarding such arrangement has been granted by the Commission. In passing such application the Commission must consider whether the participation of an unregistered company or controlled company in such arrangement is consistent with the provisions, policy, and purposes of the Act and to the extent to which such participation is on a basis different from or less advantageous than that of other participants.

SUPPORTING STATEMENTS

In apparent recognition of the terms of Rule 17a-4 under the Act which provides that transactions pursuant to a registration statement under section 17(a) of the Act if at any time the statement is filed and for a period of at least 6 months prior thereto no affiliation or other relationship existed which would operate to induce Research to enter into the Purchase Agreement, it shall be bound for such a period of time if Research had any such relationship to or financial interest in BCC.

The application further states that the agreement to extend the Option was reached in arms-length negotiations. BCC was not prepared to enter into the arrangement to dispose of its entire investment in Space unless all parties agreed to be bound for a period of time sufficient to permit processing by the Commission Research was not willing to be bound for such a period of time and the effect thereof might be to preclude it from exercising the Option. Accordingly, BCC believed it would be fair to agree to extend the Option in order to induce Research to enter into the Purchase Agreement, an important aspect of BCC’s plan to dispose of its entire interest in Space.

In further support of the application, it is stated that, based upon quotations on the common stock of Space, because of the limited trading in Space common stock and because BCC’s holdings of Space common stock cannot be sold publicly except pursuant to a registration statement under the Securities Act of 1933.

The application states that the terms of the proposed transactions, including the consideration, are reasonable and fair and do not involve overreaching on the part of any person concerned and
NOTICES

[70-8228]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issue and Sale of Notes to Banks

JULY 28, 1972.

Notice is hereby given that Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin, Woodward Avenue, Detroit, MI 48226, a subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell, as funds are required, commercial paper notes in an aggregate face amount not exceeding $75 million outstanding at any one time pursuant to lines of credit obtained from the following banks in the respective amounts shown:

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<th>Amount</th>
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<td>Manufacturers Hanover Trust Co., New York</td>
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<td>National Bank of Detroit, Michigan</td>
<td>10,500,000</td>
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<tr>
<td>The Detroit Bank &amp; Trust Co., Michigan</td>
<td>9,800,000</td>
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<td>Marshall &amp; Ilsley Bank, Milwaukee, Wisconsin</td>
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<tr>
<td>Marine National Exchange Bank, Milwaukee, Wisconsin</td>
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<td><strong>Total</strong></td>
<td><strong>$75,000,000</strong></td>
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</table>

Each note will be dated as of the date of issue, will mature August 31, 1973, and will bear interest at the prime rate in effect at the lending bank on the date of each borrowing, which interest rate will be adjusted to the prime rate effective with any change in said rate. Interest shall be payable at the end of each 90-day period subsequent to the date of borrowing and at maturity. There is no commitment fee, and the notes may be prepaid at any time without penalty. In connection with the lines of credit, Michigan Wisconsin states that it will be required to maintain compensating balances with the banks, the effect of which is to increase the effective interest cost by approximately 1 percent above the stated prime rate. The proceeds from the sale of the proposed notes will be used to partially finance its 1972 construction program (estimated at $140 million), and to fund advance payments related to gas purchases. It is anticipated that the funds required by such notes will ultimately be obtained from additional long-term financing and funds generated internally. Michigan Wisconsin also intends to make additional borrowings from other banks, pursuant to the exemption provided by section 6(b) of the Act and such funds will be used to partially finance its inventory of gas placed annually in underground storage.

Additional financing planned by Michigan Wisconsin for 1972 includes the sale of $25 million of common stock to American Natural and $50 million principal amount of first mortgage bonds at competitive bidding. These financings, which were the subject of separate applications with the Commission (Files Nos. 70-5183 and 70-5187, respectively), were postponed but have now been tentatively re-scheduled for September and October 1972, respectively.

The fees and expenses incident to the proposed transactions are estimated at $5,689, including counsel fees of $500. It is further stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transactions. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address or, in case of an attorney at law, by certificate.

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

[Seal] RONALD F. HUNT, Secretary.

[FR Doc.72-12283 Filed 8-4-72; 8:48 am]
[File No. 500-1]

DEUSENBERG CORP.

Order Suspending Trading

JULY 26, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Deusenberg Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors, it is ordered

Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange may be temporarily suspended, this order is to be effective for the period from 3 p.m., e.d.t., on July 26, 1972, through August 4, 1972.

By the Commission.

[Seal] RONALD F. HUNT, Secretary.

[FR Doc.72-12283 Filed 8-4-72; 8:48 am]

FEDERAL REGISTER, VOL. 37, NO. 152—SATURDAY, AUGUST 5, 1972
NOTICES

SMALL BUSINESS ADMINISTRATION
[License 03/03-5112]

GREATER PHILADELPHIA VENTURE CAPITAL CORPORATION, INC.

Notice of Filing of Application for Approval of Conflict-of-Interest Transaction Between Associates


The Plan Venture will invest between $100-$255,000 in the J.W. Microelectronics Corp. (J.W.M.), Ragan A. Henry, the Secretary and a Director of Venture, serves as Secretary and Director as well as General Counsel of J.W.M.

The exemption, if granted, will permit Venture to carry out the plan, as described above.

Notice is hereby given that any interested person may, not later than 15 days from the publication of this notice, submit to SBA in writing, comments on this transaction. Any such comments should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1411 L Street NW., Washington, DC 20416.

Notice is further given that any time after said date, SBA may, under the regulations, dispose of the application upon the basis of the information set forth therein and other relevant data.


Claude Alexander, Associate Administrator for Operations and Investment.

[FRC Doc.72-12252 Filed 8-4-72;8:46 am]

TARIFF COMMISSION

[339-08]

STUDY OF CUSTOMS VALUATION PROCEDURES OF UNITED STATES AND FOREIGN COUNTRIES

Notice of Public Hearings and Release of Staff Report

Notice is hereby given that the U.S. Tariff Commission has ordered public hearings to be held in connection with its study of the customs valuation procedures of the United States and foreign countries under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). The hearings will be held in Washington, D.C., beginning September 11, 1972; San Francisco, Calif., beginning September 19, 1972; and New Orleans, La., beginning September 25, 1972, as hereinafter provided.

The study of customs valuation procedures was initiated in April 1971, in response to requests by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, that the Commission conduct a study of the customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of customs valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation.

Concurrently with this notice, the Commission is releasing an interim report prepared by its staff to facilitate this hearing and to serve as a basis for the final report to the committees. The report describes the customs valuation requirements of the United States and selected foreign countries, discusses the principles that should be followed in the formulation of uniform standards of customs valuation that comply with the committees’ directive, and sets forth, with pros and cons, the elements for the two standards, viz., so-called c.i.f. and f.o.b. standards, that are the most likely candidates for use as the suggested uniform international standard. Copies of the report (TC Publication No. 501) will be available on request from the office of the Secretary, U.S. Tariff Commission, Washington, D.C. 20446.

The Commission solicits from all interested parties their views on the study, including constructive comments and criticism on the factual, analytical, and other aspects of this interim report. The Commission also solicits from interested parties their views and facts with respect to the economic effects which would follow if the United States were to adopt the suggested f.o.b. standard, and any other standard that may be suggested by the interested party. The views with respect to economic effects should treat with such effects based on the facts and circumstances in support of such request.

Written submissions. Persons who have properly filed requests to appear will be individually notified of the place at, and date on, which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

Notification of appearance. Persons who will testify will be given an estimate of the aggregate time desired for presentation of oral testimony by all witnesses who will testify.

Allegation of time. Because of the limitations of time available, the Commission reserves the right to limit the time assigned to witnesses. This connection, as in previous hearings, has indicated that in most cases the essential information can be effectively summarized in an oral presentation of not over 30 minutes. Parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses may supplement their oral testimony with written statements of any desired length, as provided for hereinafter under “written submissions.”

Written submissions. Persons who have properly filed requests to appear will be individually notified of the place at, and date on, which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

Questioning of witnesses. Questions of witnesses will be limited to members of the Commission and the Commission’s staff.

Written submissions. 1. All parties intending to appear are requested to submit to the Commission copies of their prepared testimony, or a summarization thereof, not later than the following dates:

For appearances in Washington, D.C., September 5, 1972;
For those in San Francisco, Calif., September 13, 1972;
For those in New Orleans, La., September 19, 1972.

2. Witnesses may supplement their oral testimony by written statements of any desired length, as in the course of the hearing or subsequently. Such statements, to be assured of consideration, should be submitted not later than September 30, 1972.

3. Interested parties may submit written statements of information and views, in lieu of appearances at the public hearings. Such statements should be submitted at the earliest practicable date, but, to be assured of consideration, not later than September 30, 1972.

4. With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. The data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top “Business Confidential.” as provided for in § 201.6 of the Commission’s rules of practice and procedure.

Issued: August 1, 1972.

By order of the Commission.

[Seal]

G. Patrick Henry, Acting Secretary.

[FRC Doc.72-12353 Filed 8-4-72;8:46 am]

FEDERAL REGISTER, VOL. 37, NO. 152—SATURDAY, AUGUST 5, 1972
ASSIGNMENT OF HEARINGS

August 2, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument 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-30319 Sub 24 and 25, Southern Pacific Transportation Co., now assigned August 14, 1972, at Austin, Tex., in a hearing room to be later designated.

MC-109294 Sub 18, Commercial Truck Line, Inc., now assigned August 7, 1972, at Missoula, Mont.; hearing will be held in the U.S. Post Office Building, East Broadway and Pattie Street, Missoula, MT.

MC 77968 Sub 10, Palmer Brothers, Inc., now assigned September 19, 1972, at Salt Lake City, Utah; canceled and transferred to modified procedure.

MC 128273 Sub 105, Midwestern Express, Inc., now assigned September 6, 1972 (1 day), MC 3062 Sub 33, L. A. Tucker Truck Line, Inc., now assigned August 21, 1972, at Jackson, Miss., in hearing rooms to be later designated.

MC 7776 Sub 19, Merchants Truck Line, Inc., now assigned August 21, 1972, at Jackson, Miss., in hearing rooms to be later designated.

MC 12827 Sub 22, and 24, May Trucking Co., now assigned August 21, 1972, at Boise, Idaho; hearing will be held in Room 401, Multnomah Building, 319 Southwest Pine Street, Portland, OR.

MC 7700, East Texas Motor Freight Lines, Inc.—Investigation and revocation of certificates, now assigned September 6, 1972 (1 day), MC 32882 Sub 66, Mitchell Bros. Truck Lines, Inc., now assigned August 26, 1972 (1 week), MC 155461 Sub 2, now assigned August 16, 1972 (2 days); hearings will be held in Room 401, Multnomah Building, 319 Southwest Pine Street, Portland, OR.

MC 128272, Arrow Stage Lines, Inc.—Investigation and revocation of certificates, now assigned August 3, 1972 (2 days), at Reno, Nev., in a hearing room to be later designated.

MC-151072 Sub-No. 5, MC-105172 (Sub-No. 6), MC-105172 (Sub-No. 7), and MC-105172 (Sub-No. 8) issued January 24, 1963, June 12, 1959, October 2, 1964, March 1, 1966, and November 3, 1969, respectively, to Gordon Dehmler, doing business as Covered Wagon Train, Dansville, N.Y., authorizing the transportation of various commodities from and to specified points and areas in New York, New Jersey, Massachusetts, Connecticut, Maine, New Hampshire, and Rhode Island. Raymond A. Richards, 23 Main St., Webster, NY 14580, representative for applicants.

Notice 100]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopsis of orders entered by the Motor Carrier Board of the Commission pursuant to sections 213(b), 206(a), 211, 312, and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1152), applicable for applicants.

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 applicants in their petitions with particularity.

No. MC-FC-73665. By order of July 18, 1972, the Motor Carrier Board approved the transfer to Emily Dehmler and David Dehmler, a partnership, doing business as Covered Wagon Express, Inc., of the operating rights in Certificate No. MC-105172 (Sub-No. 5), MC-105172 (Sub-No. 6), MC-105172 (Sub-No. 7), and MC-105172 (Sub-No. 8) issued January 24, 1963, June 12, 1959, October 2, 1964, March 1, 1966, and November 3, 1969, respectively, to Gordon Dehmler, doing business as Covered Wagon Train, Dansville, N.Y., authorizing the transportation of various commodities from and to specified points of service and on the one hand, and, on the other, points in Kansas City and North Kansas City, Mo., Kansas City, Kan., and those points within 10 miles of each; and structural steel, steel plate, articles of steel plate, and erection machinery, tools, and supplies, between points in Kansas and Missouri. Jim E. Lee, 1010 St. Louis Avenue, Kansas City, Mo. 64101, representative for applicants.

No. MC-FC-73796. By order of July 13, 1972, the Motor Carrier Board approved the transfer to W. T. Gibson, Inc., W. T. Gibson Transportation, Inc., Kansas City, Mo., of the operating rights in Certificate No. MC-71035 issued June 16, 1971, to William T. Gibson, Kansas City, Mo., authorizing the transportation of general commodities, with exceptions, between points in Kansas City and North Kansas City, Mo., Kansas City, Kan., and those points within 10 miles of each; and structural steel, steel plate, articles of steel plate, and erection machinery, tools, and supplies, between points in Kansas and Missouri. Jim E. Lee, 1010 St. Louis Avenue, Kansas City, Mo. 64101, representative for applicants.


Notice 100]

[FR Doc 72-12979 Filed 8-4-72; 8:45 am]

Robert L. Oswald, Secretary.
Essex, Hudson, Passaic, Union, and Middlesex Counties, N.J.; and materials and supplies used in the dyeing and finishing of piece goods, from the above points in New York and New Jersey to the plant of Hull Dye & Print Works, Inc., at Derby, Conn., William D. Traub, registered practitioner, 10 East 40th Street, New York, NY 10016, representative for applicants.

No. MC-FC-73845. By order entered July 19, 1972, the Motor Carrier Board approved the transfer to Waddell Transfer, Inc., Marion, Va., of the operating rights set forth in Permit No. MC-119435 (Sub-No. 1), issued September 22, 1965, to Helen S. Waddell, doing business as Waddell Transfer, Marion, Va., authorizing the transportation of clay and clay products, concrete and concrete products, shale and shale products, and mortar mixes, from Groseclose, Va., to points in Kentucky, North Carolina, Tennessee, and West Virginia, limited to a transportation service to be performed under a continuing contract, or contracts, with the General Shale Products Corp., of Johnson City, Tenn. Helen S. Waddell, Post Office Box 61, Marion, VA 24354, representative for applicants.

No. MC-FC-73847. By order entered July 13, 1972, the Motor Carrier Board approved the transfer to Heger Travel Bureau, Inc., Cicero, Ill., of the operating rights set forth in License No. MC-12733, issued January 2, 1962, to Julius Heger, doing business as Heger Travel Bureau, Cicero, Ill., authorizing operations as a broker in connection with the transportation of passengers and their baggage, in charter operations, beginning and ending at points in Cook County, Ill., and extending to points in the United States, including Alaska but excluding Hawaii. Joan Heger, 6118 West Cermak Road, Cicero, IL 60650, representative for applicants.

[SEAL] ROBERT L. OSMUND, Secretary.

[FED DOC. 72-12280 Filed 8-4-72; 8:48 am]

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### CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

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FEDERAL REGISTER, VOL. 37, NO. 152—SATURDAY, AUGUST 5, 1972
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Public Papers of the Presidents of the United States

Richard Nixon/1970
1305 Pages/Price: $15.75

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- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

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