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HIGHLIGHTS OF THIS ISSUE

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(Continued inside)

FEDERAL REGISTER

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

CUSTOMS VALUATION—Tariff Comm. notice of hearings on 9–11–72, 9–19–72, and 9–26–72 and release of staff report 15901

PASSENGER/EXPRESS CARRIERS—ICC permission to file emergency tariffs and schedules with district offices without prior notice (3 documents) 15867–15869

TEXTILES—CITA establishes restraints for import of man-made fibers from Korea and increases restraints on cotton from Costa Rica (2 documents) 15889

TOBACCO LOAN PROGRAM—USDA clarifies definition of eligible producer; effective 8–5–72 .. 15856

OIL AND GAS SALES—Interior Dept. announcement on lease bidding procedures for areas of Outer Continental Shelf off Louisiana 15885

NATURAL GAS PURCHASES—FPC amendment providing emergency extensions on limited-term certificates 15857

NEW DRUGS—FDA announces approval withdrawals of certain preparations (2 documents) 15887

Contents

(Continued on next page)

List of CFR Parts Affected

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

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

Presidential Documents

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 September 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.

Richard Nixon

[FR Doc.72-12358 Filed 8-3-72; 12:31 pm]

Rules and Regulations

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 (8–5–72), § 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.

* * * * *

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

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

[FR Doc.72–12244 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 provisions 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.

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

Dated: August 3, 1972.

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

[FR Doc.72–12402 Filed 8–4–72;8:50 am]

[Pear Reg. 11]

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. 15001), that the Department was giving consideration to a proposal which would limit the handling of Beurre D'Anjou and Winter Nelis 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 Nelis, 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 are expected to begin on or about August 7, 1972. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 7, 1972, of any of the listed varieties of winter pears (Beurre D'Anjou and Winter Nelis) of lower grades and smaller sizes than those herein specified so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) improving returns to the producers pursuant to 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 Nelis 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 matter 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, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days 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 such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 927.311 Pear Regulation 11.

Order. (a) During the period August 7, 1972, through June 30, 1973, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(1) Beurre D'Anjou pears, except such pears grown in Medford District, shall be of a size not smaller than 195 size and shall grade at least U.S. No. 1: *Provided,* That pears of such variety which grade at least U.S. No. 2 and are of a size not smaller than 180 size may be shipped except that such pears which fail to meet the U.S. No. 2 grade requirements only because of serious damage, but not very serious damage, caused by frost injury, healed hail marks, russeting, or limbrubs may be shipped if they are of a size not smaller than 135 size and the shape of each pear is such that it will cut at least one good half: *And provided further,* That pears of such variety which bear unhealed skin punctures not exceeding three-sixteenths of an inch in diameter may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than the 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1972, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Winter Nelis pears, except such pears grown in Medford District, shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2.

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. He shall report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination;

(2) On the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (§§ 51.1300–51.1323 of this title); "135 size," "180 size," and "195 size," shall mean that the pears are of a size which, as indicated by 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 11½ 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.

Dated: August 3, 1972.

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

[FR Doc.72-12401 Filed 8-4-72;8:50 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation published in 35 F.R. 10000, 36 F.R. 11634, and 36 F.R. 12509 are 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 terminology.

Since the markets open July 25 and since 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 become effective upon the date of 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 not 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 tobacco marketing quotas and 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 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 used on the tobacco in the field or after being harvested, (2) tobacco is not produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco, even though the allotment for the farm is not exceeded, and (3) the farm is in compliance with the provisions of Part 718 of this title with respect to acreage allotments, disposition of any excess acreage and certifications; except (i) the acreage may exceed the allotment by not more than any applicable tolerances prescribed in Part 718 or (ii) in the case of Flue-Cured tobacco, the acreage may exceed the allotment as adjusted downward to reflect the lease and transfer of marketing quota from the farm if at the time of the operator's certification of acreage, 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).

Signed at Washington, D.C., on July 31, 1972.

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

[FR Doc.72-12293 Filed 8-4-72;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SW-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 a 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 VORTAC 167°/347° M radials.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.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°44'35" W.; to lat. 34°00'36" N., long. 106°49'12" W.; to lat. 34°21'13" N., long 106° 49'12" W.; to lat. 34°09'55" N., long. 106°41' 35" W.; to point of beginning.

Designated altitudes: Surface to FL 180.

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 use.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

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

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

Boundaries: Beginning at lat. 34°00'36" N., long. 106°49'12" W; to lat. 34°20'35" N., long. 107°02'35" W.; to lat. 34°25'00" N., long. 106° 51'45" W.; to lat. 34°21'13" N., long. 106°49' 12" W.; to point of beginning.

Designated altitudes: 7,000 feet MSL to FL 180.

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 use.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using 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-116A 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. 1655(c))

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

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

[FR Doc.72-12254 Filed 8-4-72;8:46 am]

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 service as present 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 pipelines could demonstrate emergency need after complying with other provisions of § 2.70. Through June 30, 1972, the Commission issued 58 certificates to producer and pipeline sellers within the contemplation of § 2.70, which made 401,679,300 Mcf of gas (measured at the various contract pressure bases) available to nine pipeline purchasers. 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 demands beyond the 1971-72 heating season, the Commission is amending § 2.70 to provide for an indefinite period for the issuance of limited-term certificates. As in the past, no certificate will be issued unless the Commission is able to find that an emergency exists on the purchaser's system; and the purchaser will be barred from initiating any interruptible sales during the term of the certificate authorization.

The Commission finds:

(1) Certain natural gas pipeline companies may be unable to meet demands for firm deliveries beyond the 1971-72 heating season notwithstanding steps taken pursuant to section 2.70 of the Commission's General Policy and Interpretations and purchases within the contemplation of section 2.68 of the Commission's General Policy and Interpretations and section 157.29 of the Regulations under the Natural Gas Act.

(2) The amendment to the statement of general policy herein adopted concerns a matter of general policy which does not require notice or hearing under 5 U.S.C. 553.

(3) Early dissemination of this amendment is in the public interest. Good cause therefore exists to bring it to the immediate attention of persons affected thereby. The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 825, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717o), orders:

(A) Section 2.70(b)(3) of Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended to read as follows:

§ 2.70 Measures for the protection of reliable and adequate natural gas service.

* * * * *

(b) * * *

(3) The Commission, recognizing that additional short-term gas purchases may be necessary to meet a pipeline's system demands for the immediate future, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period paragraph 12 in the notice issued by the Commission on July 17, 1970, in Docket No. R-389-A should be utilized (35 F.R. 11638).

The Commission will consider limited-term certificates with pregranted abandonment, if the pipeline demonstrates emergency need, after complying with subparagraphs (1) and (2) of this paragraph.

* * * * *

(B) The amendment of the statement of general policy adopted herein shall be effective upon issuance of this order.

(C) The Secretary shall cause prompt publication of this amendment of the statement of general policy to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12266 Filed 8-4-72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Nitroglycerin Preparations: Packaging Requirements and Statements Directed to Pharmacist and Patient

A notice was published in the FEDERAL REGISTER of March 7, 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 manufacturers, two State organizations, one of which was representing the Law Enforcement Committee of the National Association of Boards of Pharmacy, the United States Pharmacopeia, three individuals, 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 rewording of the warning statements. Several of those commenting requested exemption from the provisions of the proposed statement of policy without commenting on the specific requirements of the proposal.

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

1. The preamble to the proposal reflected the efforts 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, collaborated 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. Thus, 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 on the patient in instances where 100 dosage units exceeds the patient's needs.

Data have shown that multiple openings of containers results in increasing loss of potency 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 potency of the product.

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. The availability of containers with less than 100 tablets will be a convenience to physicians, pharmacists, and patients, and, more importantly, will enable the physician 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 refrigeration of nitroglycerin 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, 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 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 warnings are required. The Commissioner notes that the section of United States Pharmacopeia Third Interim Revision Announcement, which includes the packaging and labeling requirements for nitroglycerin tablets, is to be effective September 1, 1972. The Commissioner concludes that manufacturers of nitroglycerin preparations have been on notice as to packaging and labeling requirements and therefore should not need a prolonged period for labeling revisions. However, the effective date of this section shall be September 1, 1972, the same date as that of the U.S.P. requirement.

5. Two comments expressed concern that appropriate containers for 100 dosage units (or less) of nitroglycerin preparations will be so small as to make it difficult for the pharmacist to properly label the dispensed container without obliterating the required warning statements applied by the manufacturer. In considering the available space of the usual nitroglycerin container, the methods available to the pharmacist for labeling small containers and the clarification that only one warning statement is required on the dispensed container, the Commissioner concludes that the pharmacist will be able to label them in a satisfactory manner.

6. Several manufacturers of sustained release nitroglycerin preparations requested exemption from the proposed statement of policy on the grounds that such products are inherently more stable than nitroglycerin tablets for sublingual use, and therefore glass containers and warnings to the patient are unnecessary. Two manufacturers accompanied 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 a written communication and by modification of the statement of policy as appropriate. Until such approval is given, however, manufacturers must meet the requirements of the statement of policy.

7. One manufacturer of plastic containers submitted limited data and requested an exemption, as provided for in the proposal, for containers other than glass. This data is currently under review. The manufacturer indicated that additional data would probably be forthcoming. If the Commissioner finds that the suitability of these containers for packaging nitroglycerin preparations is established, this section will be amended to provide for such packaging. Until such time as nonglass containers are approved, only containers of glass are considered suitable for the packaging of nitroglycerin preparations.

Having considered the comments the Commissioner concludes that the proposal with revisions and changes made for clarification, 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. 1049–53 as amended, 1055–56 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 preparations containing this drug provide for storage in tight containers. When glass containers were used almost exclusively this limited packaging requirement was probably adequate, even though no provisions were made to inform the user that his filled prescription should be kept in a tight container. The recent trend toward packaging containers made of materials other than 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 improper packaging of the drug either before or after dispensing to the patient will likely

result in a substantial loss of nitroglycerin. The Food and Drug Administration's studies indicate that commonly used plastic containers and certain kinds of strip 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 materials approved by 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 conspicious manner:

(i) A statement directed to the pharmacist that the drug should be stored at controlled room temperature (as defined in the United States Pharmacopeia) and dispensed only in the original, unopened container.

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

(d) The holder of an approved new drug application for a nitroglycerin preparation should either submit a supplement to his new-drug application under the provisions of § 130.9(d) of this chapter to provide for use of glass containers and labeling as described in this section or submit data or reference to data adequate to show that such changes are not necessary. The labeling and packaging requirements of this section must be met unless an approved supplement to a new-drug application provides for alternate packaging methods.

(e) For containers other than glass, approval must be obtained from 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 alternate packaging this section will be amended to provide for such packaging. The data should be submitted to the Division of Cardiopulmonary Renal Drug Products (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 Administration, such alternate containers are not considered suitable for the packaging of nitroglycerin preparations.

(f) 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 September 1, 1972.

(Secs. 501, 502, 505, 701, 52 Stat. 1049–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 351, 352, 355, 371)

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR 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 6B1936) filed by Mohawk Industries, Inc., 44 Station Road, Sparta, NJ 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 resins as 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)(xxxiii) is amended by alphabetically adding to the list of miscellaneous materials a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xxxiii) Miscellaneous materials:

* * * * *

Cyclohexanone-formaldehyde resin produced when 1 mole of cyclohexanone is made to react with 1.65 moles of formaldehyde such that the finished resin has an average molecular weight of 600–610 as determined by ASTM Method D2503. For use only in contact with nonalcoholic and nonfatty foods under conditions of use E, F, and G, 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 with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–5–72).

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

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–12246 Filed 8–4–72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3–3—PROCUREMENT BY NEGOTIATION

Types of Contracts

On March 22, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5821–5822) stating the Department of Health, Education, and Welfare was considering an amendment to 41 CFR Chapter 3, by adding a new Subpart 3–3.4, Types of Contracts. The purpose of this amendment is to prescribe policy relative to cost sharing in research contracts supported by HEW programs in accordance with Office of Management and Budget Circular A–100.

Interested persons were invited to submit written data, views, or comments, within 30 days after publication. Written comments were received, and after due consideration of the views presented, the regulation is revised and adopted as set forth below. The major change adopted is the provision for institutional cost sharing.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER (8–5–72).

Dated: August 1, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

1. The table of contents for Part 3–3 is amended by adding the following new Subpart 3–3.4:

Subpart 3–3.4—Types of Contracts

AUTHORITY: The provisions of this Subpart 3–3.4 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

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. The policy and procedures for 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 contractor will receive present or future benefits from such participation, such as, increased 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 organization has 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 some other means (such as fees) to enable the organization 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.

(2) Cost sharing may be negotiated in either of two ways. 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 Management Services, Health 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 agreement is applicable, in what amount. If cost sharing was not considered appropriate, the file must indicate the factual basis 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." The contracting officer may wish to coordinate with the project officer before documenting his decision.

(3) 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, if the contracting officer concludes that payment of the full cost of the research effort is necessary in order to obtain the services of that particular contractor.

(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 not-for-profit or nonprofit organizations should normally 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 for educational institutions 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 equipment acquired by the institution for the project will be of significant value to the institution in its educational activites). 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 participation by commercial or industrial 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.

(3) If the performing organization will not acquire title to or the right to use inventions, patents or technical information resulting from the research project it would generally be appropriate to obtain less cost sharing than in cases in which the performer acquires such rights.

(4) When cost sharing is required by statute, cost participation of less than 1 percent may be appropriate if consistent with the provisions of the statute and: (i) A formal request for proposal is issued; (ii) the contractor proposes to perform the research primarily as a service to the Government, or (iii) the contractor has little or no non-Federal sources of funds from which to make a cost contribution.

(5) A fee or profit will usually not be paid to the performing organization if the organization is to contribute to the cost of the research effort, but the amount of cost sharing may be reduced to reflect the fact that the organization is foregoing its normal fee or profit in the research. However, if the research is expected to be of only minor value to the performing organization and if cost sharing is not required by statute, it may be appropriate for the performer to make a contribution in the form of a reduced fee or profit rather than sharing the costs of the project.

(6) The organization's participation may be considered over the total term of the project so that a relatively high contribution in 1 year may be offset by a relatively low contribution in another.

(7) A relatively low degree of cost sharing may be appropriate if, in the view of the operating agency, an area of research requires special stimulus in the national interest.

(8) In the final analysis, the amount of cost participation should reflect the

mutual agreement of the parties: *Provided*, That it is consistent with any statutory requirements.

(e) *Method of cost sharing.* Cost sharing on individual contracts 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 total allowable costs of the project. Costs so contributed may not be charged to the Government under any other grant or contract (including allocations to other grants or contracts as part of any independent research and development program.

(f) *Institutional cost-sharing agreements.* (1) An institutional cost-sharing agreement covers the aggregate of some or all of the research projects supported by HEW research contracts and grants at a given performing organization. With respect to contracts, such agreements will apply only to cost-sharing type research contracts resulting from unsolicited proposals and awarded without fee or profit. Eligibility for institutional cost-sharing agreements is limited to nonprofit institutions of higher education and other public or private nonprofit or not-for-profit organizations. Usually a single agreement will cover all applicable research projects at a given performing organization; however, in unusual cases, separatae agreements for individual departments or locations of the performing organization may be negotiated if deemed advantageous.

(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 by reference, but will not establish a specific sharing ratio for the individual project. The amount of sharing on any particular project will therefore be left to the discretion of the performing organization, and relatively high contributions on some projects may offset relatively low contributions on other projects: *Provided*, That: (i) the agreed aggregate contribution is made during each of the contractor's fiscal years, and (ii) a contribution, even if nominal, is made to each covered project.

(3) (i) The Health Services and Mental Health Administration shall be responsible for negotiating all HEW institutional cost-sharing agreements. Such agreements, when negotiated, will be binding upon all HEW agencies. Eligible contractors wishing to negotiate institutional cost-sharing agreements should contact the Chief of the Grants Operations Branch, Office of Grants Management, Health Services and Mental Health Administration, 5600 Fishers Lane, Rockville, Md. 20852. Institutional cost-sharing agreements already in existence at the effective date of this subpart (and therefore applicable only to grants) must be amended to include subsequently awarded contracts.

(ii) All necessary implementing instructions to cover such matters as content of proposals, format of agreements, documentation, etc., shall be issued by the Health Services and Mental Health Administration subject to the prior approval of the Office of Procurement and Materiel Management, OS.

(iii) The Health Services and Mental Health Administration shall provide the Office of Procurement and Materiel Management, OS, and the Department's operating agencies with current listings of all institutional cost-sharing agreements, indicating the date on which they became effective with respect to contracts. Copies of individual agreements will be made available to the Department's other agencies upon request. Each agency shall designate only one individual who shall be authorized to make such requests.

(4) The amount of cost sharing negotiated under an institutional cost-sharing agreement will be determined in accordance with the appropriate guidelines contained in "A Guide to Institutional Cost Sharing Agreements" issued by the Office of Grants Management, HSMHA. The extent to which the performing organization shared in the costs of HEW-sponsored research in the past, and its anticipated ability to do so in the future, should also be taken into account.

(g) *Contract clauses.* (1) In contracts for which cost sharing will be in accordance with a previously negotiated 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 _____ (date), and the Contractor agrees that the Government shall not bear the entire cost of the work hereunder.

(2) In contracts for which 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 (Indicate percent of total cost or dollar amount, etc.) and shall maintain records of all costs so contributed, as well as costs to be paid by 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 consonance with the Department's objectives of competition in procurement and support of the Small Business 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 after 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.

[FR Doc.72-12276 Filed 8-4-72;8:47 am]

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 herein 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.

AUTHORITY: The provisions of this Subpart 3–4.51 issued under 5 U.S.C. 301, 40 U.S.C. 486(c).

§ 3–4.5100 Scope of subpart.

This subpart provides policies and procedures for the procurement of paid advertising as covered by title 5, U.S.C. 302, title 44, U.S.C. 321, 322, and 324, and title 7, chapter 5, section 25.2, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

§ 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 published 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.

(b) 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 advertisements, estimated cost, and other pertinent information.

(c) 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.

(d) Standard form 1143, Advertising Order, shall be used for procurement and payment of paid advertising. Procedures for payment of vouchers are contained in title 7, chapter 5, section 25.2, General Accounting Office Manual for Guidance of Federal Agencies.

2. Table of contents of Part 3–75 is amended to delete § 3–75.104–5, *Consolidated procurement*, and to substitute § 3–75.104–5, *Establishment of Departmental procurement policy*, in Subpart 3–75.1, Procurement Authority. Subpart 3–75.2, Sale of Government-owned Property is rescinded in its entirety.

3. Subpart 3–75.1, Procurement Authority is amended to read as follows:

Subpart 3–75.1—Procurement Authority

Sec.

AUTHORITY: The provisions of this Subpart 3–75.1 issued under 5 U.S.C. 301, 40 U.S.C 486(c).

§ 3–75.100 Scope of subpart.

This subpart delegates the authority of the Secretary to make purchases and contracts for property and services, to appoint contracting officers, and to establish departmental procurement policy.

§ 3–75.101 Head of procuring activity.

The following officials of the Department are designated "Head of the procuring activity," as defined in § 1–1.206 of this title:

(a) Administrator, Health Services and Mental Health Administration;

(b) Administrator, Social and Rehabilitation Service.

(c) Commissioner of Education;

(d) Commissioner of Social Security;

(e) Director, National Institutes of Health;

(f) Directors, Regional Offices;

(g) Director of Office of Procurement and Materiel Management, OASAM;

(h) Director, Office of Administrative Services, Office of the Secretary;

(i) Commissioner of Food and Drugs; and

(j) Director, Facilities Engineering and Construction Agency, Office of the Secretary.

§ 3–75.102 Authority delegated.

Heads of procuring activities are authorized to: (a) Enter into, modify, administer, and terminate contracts for property and services, and to make related determinations and findings; (b) settle termination claims; (c) appoint contracting officers; and (d) promulgate procurement regulations in conformance with the stated policy of this Department.

§ 3–75.103 Redelegation.

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

(b) Personnel delegated responsibility 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.

§ 3–75.104–1 Determinations and findings.

(a) Determinations and findings required by § 1–3.211 of this title for contracts in excess of $25,000 and by §§ 1–3.212, 1–3.213, 1–6.103–3, and 1–6.1004 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. 2354 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) Determinations and findings required by § 1–3.302(d) of this title for advance payments shall be made by the Director of Procurement and Materiel Management. Such determinations and findings shall be prepared in accordance with Subpart 1–30.4 of Part 1–30 of this title and Subpart 3–30.4 or Part 3–3 of this chapter. (Also see § 3–3.306 of this chapter.)

(d) All 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. A designee for making these determinations must be at least one organizational level above the contracting officer:

(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.

§ 3–75.104–3 Review and approval of contracts. [Reserved]

§ 3–75.104–4 Mistakes in bids.

(a) Authority is delegated to the Director of Procurement and Materiel Management, OASAM, to make the determinations specified in §§ 1–2.406–3 and 1–2.406–4 of this title in connection with mistakes in bids.

(b) This delegation of authority cannot be redelegated.

(c) Each proposed determination shall be approved by the Assistant General Counsel, Division of Business and Administrative Law, Office of General Counsel.

§ 3–75.104–5 Establishment of departmental procurement policy.

The Director of Procurement and Materiel Management, OASAM, shall establish procurement policy and publish procurement regulations in conformance with: (a) title III, Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251, et seq.); (b) implementing regulations of the Administrator, General Services Administration; (c) other applicable laws and Executive orders. This authority shall not be redelegated.

Subpart 3–75.2 [Rescinded]

4. Subpart 3–75.2, Sale of Government-owned Property, is rescinded in its entirety.

5. Section 3–75.301, *Authority delegated*, of Subpart 3–75.3, Publication of Advertisements, Notices, or Proposals is revised to read as follows:

§ 3–75.301 Authority delegated.

Heads of the procuring activity designated in § 3–75.101 are authorized hereby to publish advertisements, notices, and contract proposals in newspapers and periodicals in accordance with the requirements and conditions stipulated in 44 U.S.C., 321, 322, and 324; title 7, chapter 5, section 25.2, General Accounting Office Policy and Procedure Manual for Guidance of Federal agencies and Subpart 3–4.51.

6. Subpart 3–75.5, Establishment of Blood Donation Compensation Rates is revised to read as follows:

Subpart 3–75.5—Establishment of Blood Donation Compensation Rates

Sec.

AUTHORITY: The provisions of this Subpart 3–75.5 issued under 5 U.S.C. 301, 40 U.S.C. 486(c).

§ 3–75.500 Scope of subpart.

This subpart authorizes the Administrator, Health Services and Mental Health Administration, to establish compensation rates for blood donations for the Department.

§ 3–75.501 Authority delegated.

The authority to establish compensation rates for blood donations under the

Act of February 9, 1927, 44 Stat. 1066, as amended (24 U.S.C. 30) is delegated to the Administrator, Health Services and Mental Health Administration.

§ 3-75.502 Redelegation.

The authority delegated by § 3-75.501 may be redelegated as deemed appropriate.

(5) U.S.C. 301, 40 U.S.C. 486(c))

Effective date: This amendment shall be effective upon publication in the FEDERAL REGISTER (8-5-72).

Date: August 1, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.72-12275 Filed 8-4-72;8:47 am]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

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

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

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following new Subpart O of Part 57, which relates to the awarding of grants 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), because for good cause it has been found that such procedures would be contrary to the public interest in light of the delay in the passage of the authorizing regulation (Comprehensive Health Manpower Training Act of 1971, Public Law 92-157) and the necessity for early allocation of grant funds.

Under this program, schools of medicine, osteopathy, and dentistry which begin instruction after November 18, 1971, will be eligible for a grant, within statutorily prescribed maximums, to assist such schools in meeting their initial costs of operation.

Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the regulations may be presented in writing, in triplicate, to Associate Director (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 5C-12, Bethesda, MD. 20014. All comments received in response to this regulation will be available for public inspection at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 5B-36, Bethesda, MD. 20014, on weekdays (Federal holidays excepted), between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The regulations set forth below shall become effective on 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.

ELLIOT 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.

AUTHORITY: The provisions of this Subpart O issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 771(a), 85 Stat. 443, 42 U.S.C. 295f-1.

§ 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.

§ 57.1402 Definitions.

As used in this subpart:

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

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

(c) "School" means a public or other nonprofit school of medicine, dentistry, 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 leading 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 725 of the Act).

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

(h) "Budget period" means the interval of time into which an approved activity is divided for budgetary purposes, as specified in the grant award document.

(i) "Project period" means the time (not exceeding 4 years) for which support for startup assistance has been approved, as specified in the grant award document.

§ 57.1403 Eligibility.

(a) To be eligible for a grant for startup assistance under the Act, the applicant must:

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

(2) Furnish the Secretary such reasonable 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 instruction after November 18, 1971.

§ 57.1404 Application.

(a) Each school desiring a grant for startup assistance shall submit an application in such form and at such time as the Secretary may require.[1]

(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

[1] Applications and instructions are available from the Division of Physician and Health Professions Education, Bureau of Health Manpower, National Institutes of Health, 9000 Rockville Pike, Building 31, Bethesda, MD 20014.

the applicant intends to conduct the project and carry out the requirements of this subpart.

§ 57.1405 Determination of number of students.

For purposes of this subpart the number of full-time students enrolled or to be enrolled in a new school for any given year shall be the number the Secretary determines are or will be enrolled in such school on the date instruction begins or 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, $10,000 times the estimated number of full-time students which will enroll 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 with respect to any approved application or portion thereof. For continuation support, grantees must make separate application annually and at such times and in such forms as the Secretary may dictate.

§ 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 close of a budget period may be carried forward and will be available during a subsequent budget period of the project period. The amount of any subsequent award will take into consideration the amount 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 must be refunded to the Federal Government.

§ 57.1409 Nondiscrimination.

(a) Attention is called to the requirements of section 779A 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 unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school, training center, or other entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

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

(c) 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 and by the Secretary to assure that no contracts, assignments, or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 57.1411 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject, however, to a royalty free, 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 shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting 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 [2] 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:

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

(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 required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if within the period of their useful life, the equipment is transferred by sale or otherwise for use outside the scope of section 771(a) of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment; crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased 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:

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

(c) *Accounting for grant-related income*—(1) *Interest.* Pursuant to section 203 of the Intergovermental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in sec. 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

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

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

(d) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of 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)(1) of this section; and (iv) any other settlements required pursuant to paragraph (c) (2) and (3) of this section. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or asisgns by setoff or other action as provided by law.

§ 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 5 years after the close of the budget period, or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant 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 interviews with the principal staff members and students to the extent that such resources, personnel, and students are, or will be involved in the project. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspection and fiscal audits by such person of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.1414 Additional conditions.

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

§ 57.1415 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.

[FR Doc.72-12278 Filed 8-4-72;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

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.

Only one comment was received. This comment was by a bureau of the Department.

The proposed paragraph (c) to 43 CFR 2.2 is hereby adopted without change and is set forth below.

The amendment is effective upon publication in the FEDERAL REGISTER (8–5–72).

MITCHELL MELICH,
Solicitor.

JULY 25, 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. A

copy of all such replies shall be forwarded to the U.S. Department of the Interior, Office of the Solicitor, Washington, D.C. 20240.

[FR Doc.72-12287 Filed 8-4-72;8:49 am]

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, DC, 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) * * *

(vii) 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.

* * * * *

(Sec. 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,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder,* by changing the expiration dates contained therein to read "midnight, September 7, 1972, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: August 2, 1972.

By 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 (37 F.R. 13548, July 11, 1972), the change in § 81.304 of the rules is erroneously located in a new paragraph (f) 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.

* * * * *

(b) * * *

(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:

Priority No.		Transmit (MHz)	Receive (MHz)	Channel designator
U.S.	I.T.U.			
1	1	161.900	157.300	26
2	2	161.950	157.350	27
3	3	161.850	157.250	25
4	4	161.800	157.200	24
[1] 1	6	162.000	157.400	28
5	13	161.825	157.225	84
6	14	161.975	157.375	87
7	15	161.925	157.325	86
8	17	161.875	157.275	85

[1] Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

In assigning frequencies in the band 156-162 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 (i) when the assigned working frequency is also used by a foreign station near enough to result in destructive electrical interference by simultaneous operation; or (ii) 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 freqency 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 or setup time for calls.

* * * * *

Released: July 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
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 210a(a) 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, as in the case of carriers of property, and that the necessity of filing 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 singly and collectively as property) restricted to the transportation thereof in the same vehicle with passengers, may not lawfully perform transportation until effective fares, rates and/or charges, as the case may be, together with supporting tariff 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. Fares, rates, and charges, to be established upon less than 30 days' notice must not be less than existing passenger motor common carrier fares, rates, and/or 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 or passenger motor common carrier property rates or charges from and to nearby points for similar distances. Detailed instructions on rate, fare, or charge filings, may be obtained from any Bureau of Operation's field office.

(2) *Motor contract carriers.* A motor contract carrier may not lawfully provide transportation until executed transportation contracts (where required to be filed) and effective rates, fares, and/or charges, as the case may be, together with supporting schedule provisions are on file with the Commission as required by section 218 of the Interstate Commerce Act and the Commission's rules and regulations issued thereunder. The filing of contracts covering transportation of passengers is not required. Except as otherwise authorized in paragraph (b) of this section, the rates, fares, and charges, proposed to be established upon less than 30 days' notice shall not be lower than would be permitted under subparagraph (1) of this paragraph if applicant were a common carrier except that if any of points of origin, destination, or territory to be served are at the time served by a contract carrier transporting the same commodities or transporting passengers or property in the same vehicle with passengers, the rates, fares, and changes may be made on the same or higher basis as those of such contract carrier, and except that if the applicant has on file effective rates, fares, or charges, for transporting the same commodities or transporting passengers or property in the same vehicle with passengers, between other points in the same area, the rates, fares, and charges, may be made on the same or higher basis as those others maintained by the applicant.

(3) *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 tariffs. The temporary authority application must state who will make the tariff publication, and whether it is to be made on 30 days' notice or upon less than 30 days' notice.

(4) *Special permission applications.* (i) If publication is to be made on less-than-statutory notice by the carrier filing the temporary-authority application and it is not covered by the outstanding special permission authority referred to in paragraph (b) (1) of this section, such temporary authority application must be accompanied by a special permission application (four copies, only the original of which must be executed and bear the signature of the carrier or its agent officer, specifying title), setting forth the proposed rates, fares, charges, and other tariff, or schedule provisions clearly and completely. An accompanying exhibit may be used if identified by letter, such as Exhibit "A", and so referred to in the application. If the proposed provisions consist of rates, fares, and/or charges, all points of origin and destination must be shown or definitely indicated. If permission is sought to establish a rule, the exact wording of the proposed rule must be shown. If relief from tariff circular rules is sought, the exact form of publication must be shown.

(ii) The special permission application must contain the names of motor carriers known to maintain competitive rates, fares, and charges, between the same points or points related thereto, together with adequate identification of tariffs containing such rates, fares, and charges. It must also state whether or not such carriers have been advised of the proposal and if they have been advised that it is proposed to establish such provisions on less than 30 days' notice. The rates, fares, charges, and other tariff or schedule provisions proposed to be established should conform to the competitive rate, fare, and charge level standards of subparagraph (1) of this paragraph for motor common carriers or subparagraph (2) of this paragraph for motor contract carriers. In the absence of effective commodity rates via competing carriers on the commodity or commodities to be transported, the Special Permission Board, upon a proper showing, may authorize the establishment of rates on a different level.

(b) *Emergency temporary authority*—(1) *Motor carriers.* Each application for emergency temporary authority for 30 days or less, except those involving the Railway Express Agency or substitution of motor for rail service, shall be accompanied by a statement of the rates, fares, charges, and other tariff or schedule provisions to be filed under Special Permission M–60160 or M–60161, §§ 1306.100, 1306.101, 1307.100 and 1307.-101 of this chapter, for use in the event the authority is granted. Such statement shall contain the names of competing motor carriers transporting the same commodities or transporting passengers, or both, and the statement shall also contain the rates, fares, and/or 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.

(2) *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

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 lower 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.

(3) *Suspended or special permission rates, fares, or charges.* (i) 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 supervisor will not recommend 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, or charges will be defended and request less-than-statutory notice authority to file rates, fares, and/or charges conforming with paragraph (a) (1) or (2) of this section to apply during the suspension period, 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, 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, or Both; Order Regarding Tariffs of Motor Common Carriers

Special Permission No. M–60160 (revised August 7, 1972), cancels Special Permission No. M–60160 (revised February 25, 1970).

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 common 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 passengers and every motor common carrier of passengers having authority from this Commission to transport property together with passengers in the same vehicle (all hereinafter referred to as carriers of passengers or passenger carriers) 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 carrier 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 interests indicated by other parties;

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 (Tariff Circular MF No. 3), and §§ 1306.0 through 1306.6 and §§ 1306.9 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 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 tariff (not a looseleaf page) containing such rates or fares, or both, and other provisions (such a tariff may refer to one or more agents' tariffs for governing provisions), or containing provisions other than rates or fares and referring to one or more agents' tariffs for such rates or fares, or both, and other provisions, and having four copies of the tariff (six copies if the tariff bears both MP–ICC and ME–ICC numbers), with a letter of transmittal, 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.

(2) 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, or an extension thereof, expires. 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 should show either the "MP–ICC W" or "ME–ICC W" designation, or both, whichever is appropriate as to a tariff.

(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 tariff must be identified by its MF–ICC, MP–ICC or ME–ICC number, whichever is appropriate. A referred-to tariff 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 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" series 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 § 1307.100 of Title 49 of the Code of Federal Regulations be, and it is hereby revised to read as follows:

§ 1307.100 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 (Tariff Circular MF No. 3); and §§ 1306.0 through 1306.6 and §§ 1306.9 through 1306.16 of this subchapter (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 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 tariff (not a looseleaf page) containing such rates or fares, or both, and other provisions (such a tariff may refer to one or more agents' tariffs for governing provisions), or containing provisions other than rates or fares and referring to one or more agents' tariffs for such rates or fares, or both, and other provisions, and having four copies of the tariff (six copies if the tariff bears both MP–ICC and ME–ICC numbers), with a letter of transmittal, 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.

(2) 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, or an extension thereof, expires. 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 should show either the "MP–ICC W" or "ME–ICC W" designation, or both, whichever is appropriate as to a tariff.

(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 tariff must be identified by its MF–ICC, MP–ICC, or ME–ICC number, whichever is appropriate. A referred-to tariff 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 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" series 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. OSWALD,
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

Special Permission No. M-60161 (Revised August 7, 1972), cancels, Special Permission No. M-60161 (Revised February 25, 1970).

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, into effect without notice other than filing the publications with the appropriate field office of this 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 (all hereinafter referred to as carriers of passengers or passenger carriers) 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 beginning of the emergency transportation, resulting in inconveniences and hardships to the public;

It further appearing, that every property carrier and every passenger carrier must obtain special permission authority each time it wants to publish on less than 30 days' notice references to distance guides or other governing publications in the schedule covering the emergency temporary authority;

It further appearing, that requests for the aforementioned special permission authorities have been granted without any objections being registered or interest indicated by other parties;

It further appearing, that it would be in the public interest to extend the authority in Special Permission No. M–60161, revised February 25, 1970, to include carriers' schedules containing references to specified publications and to include motor contract carriers of passengers;

And it further appearing, that a notice of proposed rule making 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 orderd, That Part 1306 of Title 49 of the Code of Federal Regulations be, and it is hereby amended by adding therein § 1306.101, which shall read as follows:

§ 1306.101 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 of this subchapter (Tariff Circular MF 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.

(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 movements 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 looseleaf 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 reproducing 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 transmittal, 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.

(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.

(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 "MF–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 § 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 MF 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 movements 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 reproducing 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 transmittal, 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.

(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.

(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 "MF–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. 1624), and General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1202), 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 the 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 10.29e 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 personnel.* 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, excluding those members of families who are U.S. nationals.

(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 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) Consular employees 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.

(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 enumerated in paragraph (b)(1) of this section, their immediate families as well as accompanying suites and servants, and diplomatic couriers, their baggage and effects may be admitted free of duty without entry upon presentation of their credentials or other proof of their identity.

(d) *Delay in arrival of baggage or effects.* If by accident or unavoidable delay in shipment the baggage or other effects of a person entitled to the privileges of this section shall arrive after him, upon satisfactory proof of ownership, such baggage or effects may be passed free of duty without entry.

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

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

of their household who are not nationals of the United States.

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

(iii) Diplomatic couriers, provided the baggage accompanies them.

(2) *Conditions permitting inspection.* The personal baggage of representatives of foreign governments listed in subparagraph (1) 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 the use of their establishments or for official mission use.

(ii) In the case of consular officers and their families, articles intended for consumption in excess of the quantities necessary for direct use by the person concerned.

(iii) Articles which are absolutely or conditionally prohibited importation or exportation under the laws or regulations of the United States, or which are subject to the quarantine laws or regulations of the United States.

(3) *Presence of foreign representative.* When inspection of personal baggage is permitted under subparagraph (2) of this paragraph, the inspection shall take place only in the presence of the affected representative of a foreign government, or his authorized agent.

§ 10.29b Diplomatic and consular bags.

(a) *Diplomatic bags.* The contents of diplomatic bags are restricted to diplomatic documents and articles intended exclusively for official use and packages constituting the diplomatic bag must bear visible marks of their character. Diplomatic bags shall not be opened or detained nor shall they be subject to duty or entry.

(b) *Consular bags.* Consular bags must bear visible external marks of their character and their contents are restricted to official correspondence and documents or articles intended exclusively for official use. Consular bags shall not be subject to duty and ordinarily shall not be opened or detained. However, if Customs officers have serious reason to believe that a consular bag contains other than permissible materials, they may request that the bag be opened in their presence by an authorized representative of the foreign government concerned. If this request is refused, the consular bag shall be returned to its place of origin.

§ 10.29c Baggage and effects of high Government officials.

The privilege of admission free of duty without entry of their baggage and effects may also be extended to high officials of this Government returning from special missions abroad, upon application therefor direct to the Department of the Treasury and the issuance of appropriate instructions. The free entry authorized hereunder shall not extend to alcoholic beverages, with respect to 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 § 10.17(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 upon 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, chargés d'affaires, secretaries, counselors and attachés 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 statute 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 for the official use of members and attaches of foreign embassies and legations, consular officers, and other 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. 288), and the baggage and effects of their families, suites, and servants, shall be admitted free of duty and without entry under item 820.30, 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. 288), 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:

Organization	Executive Order	Date
Asian Development Bank	11334	Mar. 7, 1967
Caribbean Organization	10983	Dec. 30, 1961
Coffee Study Group	10943	May 19, 1961
Customs Cooperation Council	11596	June 5, 1971
European Space Research Organization	11318	Dec. 5, 1966
Food and Agriculture Organization	9698	Feb. 19, 1946
Great Lakes Fishery Commission	11059	Oct. 23, 1962
Inter-American Defense Board	10228	Mar. 26, 1951
Inter-American Development Bank	10873	Apr. 8, 1960
Inter-American Institute of Agricultural Sciences	9751	July 11, 1946
Inter-American Statistical Institute	9751	Do.
Inter-American Tropical Tuna Commission	11059	Oct. 23, 1962
Intergovernmental Maritime Consultative Organization	10795	Dec. 13, 1958
Interim Communications Satellite Committee	11227	June 2, 1965
International Atomic Energy Agency	10727	Aug. 31, 1957
International Bank for Reconstruction and Development	9751	July 11, 1946
International Civil Aviation Organization	9863	May 31, 1947
International Coffee Organization	11225	May 22, 1965
International Cotton Advisory Committee	9911	Dec. 19, 1947
International Cotton Institute	11283	May 27, 1966
International Finance Corporation	10680	Oct. 2, 1956
International Hydrographic Bureau	10769	May 29, 1958
International Joint Commission—United States and Canada	9972	June 25, 1948
International Labor Organization	9698	Feb. 19, 1946
International Monetary Fund	9751	July 11, 1946
International Pacific Halibut Commission	11059	Oct. 23, 1962
International Secretariat for Volunteer Service	11363	July 20, 1967
International Telecommunications Satellite Consortium	11277	Apr. 30, 1966
International Telecommunication Union	9863	May 31, 1947
International Wheat Advisory Committee (International Wheat Council)	9823	Jan. 24, 1947
Organization for Economic Cooperation (now known as the Organization for Economic Cooperation and Development)	10133	June 27, 1950
Organization of American States	10533	June 3, 1954
Pan American Health Organization (includes the Pan American Sanitary Bureau)	10864	Feb. 18, 1960
Pan American Union	10533	June 3, 1954
Provisional Intergovernmental Committee for the Movement of Migrants from Europe (now known as the Intergovernmental Committee for European Migration)	10335	Mar. 28, 1952
Southeast Asia Treaty Organization	10866	Feb. 23, 1960
South Pacific Commission	10086	Nov. 25, 1949
United International Bureau for the Protection of Intellectual Property	11484	Sept. 29, 1969
United Nations	9698	Feb. 19, 1946
United Nations Educational, Scientific, and Cultural Organization	9863	May 31, 1947
Universal Postal Union	10727	Aug. 31, 1957
World Health Organization	10025	Dec. 30, 1948
World Meteorological Organization	10676	Sept. 1, 1956

§ 10.30a Certain representatives to and officers of the United Nations and the Organization of American States.

(a) *Exemption for baggage and effects and admission without entry.* At the request of the Department of State and

upon appropriate instructions from the Bureau of Customs in each instance, the privilege of admission free of duty without the filing of an entry may be extended to the baggage and effects of the following alien representatives, officers, and members of the staff of the United Nations and the Organization of American States, and their personal baggage is ordinarily exempt from inspection, subject to § 10.29a(e)(2) of this part:

(1) Every person designated by a United Nations member nation as the principal resident representative to the United Nations of such member or as a resident representative with the rank of ambassador or minister plenipotentiary and members of their families;

(2) 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;

(3) 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 at the headquarters of such agency in the United States and members of their families;

(4) 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;

(5) The Secretary-General, Under Secretaries-General, and Assistant Secretaries-General to the United Nations and members of their families;

(6) Representatives of members to the principal and subsidiary 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 journey to and from the place of meeting, with regard to personal baggage only;

(7) Experts performing missions for the United Nations, the same facilities for personal baggage as are accorded diplomatic envoys;

(8) 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

(9) 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.

(b) *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 identity.

(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 to and officers of the United Nations and the Organization of American States set forth in paragraph (a) of this section shall be free from arrest, search, and detention, except that persons of the rank set forth in paragraph (a) (6) and (7) of this section shall be accorded this privilege only while exercising their function and traveling to and from the place of meeting.

§ 10.30b Property of public international organizations.

(a) *Exemption from duty.* Property of designated international organizations listed in paragraph (b) of § 10.30 of this part shall be admitted free of duty and internal-revenue taxes imposed upon or by reason of importation under 22 U.S.C. 288a(d), but such exemption shall be granted only upon the receipt in each instance of instructions from the Bureau of Customs issued at the request of the Department of State.

(b) *Bond.* Any Customs bond which may be required from a designated international organization (see paragraph (b) of § 10.30 of this part) in connection with the importation or entry of merchandise into, or the exportation of merchandise from, the United States may be accepted without surety.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Division of Regulations, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: July 21, 1972.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[FR Doc.72-12294 Filed 8-4-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

[Lime Reg. 5, Amdt. 2]

FRUITS; IMPORT REGULATIONS

Limes, Importation; Withdrawal of Notice of Proposed Rule Making

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), a notice was published in the FEDERAL REGISTER (37 F.R. 13803), regarding a proposed amendment of the import regulation, with an effective date of July 30, 1972, designed to prescribe the same grade requirements for imported limes as were proposed, pursuant to order No. 911 (7 CFR Part 911; 37 F.R. 10497), for limes grown in Florida. The proposed grade requirements for domestic limes pursuant to order No. 911 are those that were to become effective July 30, 1972 (37 F.R. 13802).

On July 26, 1972, the Florida Lime Administrative Committee, established under order No. 911, held an open meeting, after giving due notice thereof, to consider the supply and market conditions for Florida limes and the need for regulation. The committee reports that due to recent continued rain in the production area, the current crop of Florida limes has bleached and turned color on the tree to the extent that the bulk of such limes cannot meet the more restrictive color requirements of proposed Lime Regulation 34. Therefore, the committee unanimously recommended withdrawal of the proposed regulation for domestic limes and to continue in effect Lime Regulation 33 (37 F.R. 9617).

In view of the changed Florida crop situation, the notice of proposed regulation for Florida limes (Lime Regulation 34; 37 F.R. 13802) is being withdrawn and the proceeding terminated. Therefore, it is concluded that Lime Regulation 5, Amendment 1 (Part 944—Fruits; Import Regulations; 36 F.R. 22008) should continue in effect and the notice of proposed Lime Regulation 5, Amendment 2 (37 F.R. 13803) is hereby withdrawn and the proceeding terminated.

Done at Washington, D.C. this 1st day of August 1972.

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

[FR Doc.72-12290 Filed 8-4-72;8:49 am]

[7 CFR Part 1108]

[Docket No. AO-243-A24]

MILK IN THE CENTRAL ARKANSAS MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended

decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area, which was issued July 20, 1972 (37 F.R. 14812), is hereby extended to August 14, 1972.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on August 2, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc. 72-12291 Filed 8-4-72;8:49 am]

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. 6595), 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 19.595) 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." This notice set forth the stated grounds in support of the proposal and invited the submission of written views thereon, pursuant to provisions of sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341, 371; hereinafter the act). (Ex. A, A-1, B.)[1]

2. In the FEDERAL REGISTER of January 23, 1971 (36 F.R. 1153), Food and Drug Administration published an order denying the proposed amendment 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 amendment." This order was to become effective in 60 days unless stayed by objection. (Ex. C.)

3. On April 21, 1971, Food and Drug Administration caused to be published in the FEDERAL REGISTER (36 F.R. 7535) a notice of the receipt of objection to the above order and a request for a hearing from the petitioner, Tolibia. It noted that the proposed order was stayed and that a notice scheduling a public hearing—

> * * * on the issue of whether parmesan cheese can be satisfactorily cured in 10 months' time will be published in the FEDERAL REGISTER at a later date. (Ex. D.)

4. On May 25, 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—

> * * * for the purpose of receiving evidence relevant and material to the issue of whether reducing the minimum curing time required by the standard of identity for parmesan cheese (§ 19.595) from 14 months to 10 months is reasonable and will promote honesty and fair dealing in the interest of consumers.

Mr. William E. Brennan was designated as the presiding officer to conduct this hearing in accordance with provisions of 21 CFR 2.48 through 2.104. (Ex. E.)

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 set forth 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. Notice of these events was published in the FEDERAL REGISTER of July 13, 1971 (36 F.R. 13050). (Ex. F; PH. TR. 1-120; R. p. 59.) During the prehearing conference, the following issues were finanlized:

> 1. Is the food prepared in conformity with the requirements of the standard of identity for 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, Parmesan (Reggiano) cheese?
>
> 2. If issue No. 1 is answered in the affirmative, will it 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?" (R. p. 59.)

The following appearances were entered in this matter:

Supporting the proposed amendment—

Tolibia Cheese, Inc. (Tolibia), Chicago, Ill.
The Kraft Foods Division of Kraftco Corp. (Kraft), Chicago, Ill.

Objecting to the proposed amendment—

Universal Foods Corp. (Universal), Milwaukee, Wis.
Frigo Cheese Corp. (Frigo), Lena, Wis.

Taking no position in relation to the proposed amendment—

Borden, Inc. (Borden), New York, N.Y.
The Food and Drug Administration.

6. Pursuant to the procedure set forth in the prehearing conference order, Tolibia submitted the written direct testimony of three witnesses as did Kraft. The written direct testimony of five witnesses was submitted by Universal. All of these witnesses attended the hearing, formally affirmed their written direct testimony as altered by rulings on objections thereto, and were subject to cross-examination by the counsel of record. In lieu of testimony, an affidavit of Mr. Peter Frigo opposing the amendment was admitted into evidence as Exhibit 0-1. (TR. 909.) Neither Borden, Inc., nor the Food and Drug Administration presented any evidence.

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 G. 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 admitted into evidence as Exhibit H

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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[1] References hereinafter are as follows:
PH. TR. 1—Page 1 of the transcript of the prehearing conference.
TR. 1—Page 1 of the transcript of the hearing.
WD-*name*—The written direct testimony of the named witness.
Ex. P-1—Exhibit No. 1 received into evidence upon motion by petitioner, Tolibia.
Ex. K-1—Exhibit No. 1 received into evidence upon motion of Kraft.
Ex. O-1—Exhibit No. 1 received into evidence upon motion by an objector to the proposal.
Ex. A—Exhibits entered into evidence by the hearing examiner.
R. p. 1—That document indexed No. 1 in Docket File FDC-80.

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

9. It is the basic position of Tolibia and Kraft, 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 that it will promote honesty and fair dealing in the interest of consumers to amend this standard to allow the shorter curing period.

10. The objectors, Universal and Frigo, take the position that there really has been no such significant changes in the knowledge, technology, and practices within the cheese industry, that a cheese to be classified as parmesan (Reggiano) cheese must continue to be cured for 14 months, and consequently the proposed amendment should be denied. (See briefs filed by Kraft, Tolibia, Universal, and Frigo.)

11. On January 31, 1972, the hearing examiner, Mr. William E. Brennan, submitted his report in this matter to the Commissioner of Food and Drugs. The report is part of the public record, Docket No. FDC-80, on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

Having considered the record of the public hearing, the hearing examiner's report dated June 25, 1970, and other relevant material, the Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919, and 72 Stat. 948; 21 U.S.C. 341, 371), under authority delegated to him (21 CFR 2.120), and in accordance with 21 CFR 2.97, proposes the following findings of fact, conclusions, and final order in this matter:

PROPOSED FINDINGS OF FACT

1. The standard of identity for parmesan (Reggiano) cheese, (21 CFR 19.595) was first promulgated in 1950 (15 F.R. 5656) after hearings held during 1947, which dealt with a large number and variety of cheeses, including parmesan. Due to the large number of cheeses which was the subject matter of the 1947 hearing, and perhaps to the noncontroversial nature of the then proposed parmesan standard,[2] the evidence adduced at the 1947 hearing relating to parmesan was not extensive. Of over 5,500 transcript pages resulting from this hearing, approximately 60 were devoted to parmesan, which set forth the testimony of five witnesses. (1947 hearing transcript pp. 3717-3728, 3901, 3956, 5344.)

The relevant provisions of the parmesan standard here involved are as follows:

§ 19.595 Parmesan cheese, reggiano cheese; identity; label statement of optional 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(c). It is cured for not less than 14 months.

* * * * *

2. Parmesan cheese (hereinafter parmesan) made in conformity with the requirements of the definition and standard of identity for this cheese, has the following characteristics:

(a) *Flavor.* The flavor of parmesan varies within a significant range but is generally considered to have a sweet, mellow, nutlike taste in comparison to the characteristic piccante, sharp, fatty acid flavor associated with Romano cheese. The variations in flavor are caused by fluctuations in the milk supplies, milk treatment, enzymes and starters utilized, acid development, method and amount of salt utilized, and other variables in the making and curing procedures. These procedures also vary among parmesan producers. (WD—Stine pp. 19, 20, WD—Langhus pp. 12, 13, 18; WD—Klenach pp. 8, 12; WD—O'Flynn p. 4; TR. 347, 859-60, 889-890, 894, 937, 968, 975-78; Exs. G, P-1.)

(b) *Colors.* The color of parmesan cheese also varies to a significant degree, ranging from slightly off-whites to yellows that are approximately the color of straw. Although "Harmless artificial coloring may be added" under the standard (21 CFR 19.595(b)), there is no evidence that such coloring is being added by the participants in this hearing. (WD—F. Klensch p. 11, WD—Stine p. 19; WD—Langhus pp. 12, 15; TR. 346, 347, 407, 1056, 1063-1067, 1135, 1143-1145; Exs. P-1, G, K-8.)

(c) *Body and texture.* Parmesan is characteristically hard, brittle, grates readily, and has a granular texture. The body of this cheese may have varying numbers and sizes of mechanical openings. The body and texture characteristics of this cheese also varies. (WD—F. Klensch pp. 11, 12; WD—Stine pp. 19-20; WD—Langhus, pp. 12, 13; TR. 392, 393, 544, 896, 968-69, 1014, 1080; Exs. G, P-1, 0-1, 0-2.)

3. The moisture of parmesan varies from approximately 32 percent to 26 percent, and the milk-fat varies from 32 percent up to approximately 40 percent. The levels of salt also vary from approximately 1.39 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.)

4. The only method presently available to determine if a cheese is parmesan, is an 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 parmesan cheese, and the experience and abilities of the taster. This type of examination is generally adequate to enable experienced cheese tasters to determine if a given cheese is parmesan cheese. (WD—Stine pp. 17-18; WD—Langhus p. 29; TR. 428, 889, 966, 982-984, 989, 1055-1056, 1094-1096, 1124, 1127-1128, 1131, 1501-1502, 1457, 1499, 1463-1464; Exs. G, H, K-8, K-9, K-11, K-13.)

5. Parmesan (Reggiano) cheese originated in the provinces of Reggio and Parma in the Po Valley of northern Italy and derived their names from these geographic origins. The following elements characterized the traditional making procedures as followed in Italy. It was manufactured mostly during the months between April and November 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 60 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 black powder and later grease, and then held for curing in relatively large central curing facilities. The loaves 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, 1135, 1138, 1142, 1370-1377; Exs. 0-2, P-1.)

6. There have been gradual and continuing refinements and changes in the manufacturing procedures for parmesan cheese since its manufacture was first initiated in this country. Up to the time that the parmesan standard was promulgated in 1950, the manufacturing procedures generally followed in this country were based upon, and similar to, the

[2] This hearing was held prior to the Hale Amendments to the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321 et seq.).

traditional Italian methods but incorporated the following changes: (a) The cheese was manufactured, by some producers, 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 curing stages of production were becoming more controlled through the use of the then available mechanical refrigeration equipment and air fans; and (d) the cheeses were more frequently receiving a wax coating than oil or grease coatings. (WD—Nelli p. 4; WD—Cassinerio p. 7; WD—Dee p. 6; WD—Stine pp. 12, 16; WD—F. Klensch pp. 7–9, 13, 19–20; TR. 290–293, 340–342, 565–567, 578, 611, 923, 987–989, 1070–1075, 1137, 1143, 1418–1420, 1428, 1450, 1453–1454, 1476–1477.)

7. Since 1950, considerable research and experimentation has been conducted, at least by Tolibia and Kraft, aimed at increasing the efficiency of producing parmesan cheese, reducing the costs of manufacture, and attempting to stabilize the varying characteristics of this cheese to produce a more standard, less variable product (WD—Stine pp. 12–18; WD—Langhus pp. 20–24; WD—Dee pp. 5–8; WD—F. Klensch pp. 8–15; TR. 1127, 1378–1381, 1411–1418, 1476–1480). This experimentation and research has resulted in the following refinements and changes in the manufacturing procedures:

(a) The quality of the milk available for the manufacture of parmesan cheese has been improved and standardized through more stringent laws, testing, and producer education programs. These milk quality improvement developments provide the manufacturer of parmesan cheese better control over his production, has made feasible the development of expanding starter programs, and increases the range of curing temperatures which might otherwise cause unacceptable defects in the finished cheese. (WD—F. Klensch p. 13; TR. 567, 988, 1389–1390, 1395–1401, 1417–1418, 1477–1480.)

(b) Parmesan producers have substantially changed and improved the various starters used in the production of parmesan cheese, and these modifications and improvements are part of a continual improvement process. The existence of undesirable levels of gas formation caused by starters has been nearly eliminated through these starter improvement programs. (WD—Dee p. 5–6; WD—F. Klensch pp. 8, 13; WD—Langhus pp. 8, 18; WD—Stine pp. 14, 16; TR. 290–293, 565, 611, 1428, 1476–1477.)

(c) The equipment used to cut the parmesan curd has been improved and mechanized. The size of the curd particles has been studied and changed. (TR. 916, 923–924, 1420–1421.)

(d) Changes have been instituted in the temperatures and times of cooking the curd. The smaller 22- to 28-pound loaf permits lower cooking temperatures than those in use when the 60-pound loaf predominated. (WD—Langhus p. 10; TR. 924–925, 986–987, 1420, 1482.)

(e) Research and experimentation has been done to arrive at an optimum pH figure determined at the most functional point in the manufacturing process. (TR. 986, 989, 1485–1486.)

(f) The vats used in manufacturing parmesan have increased in size so that they are suitable for producing more than this one type of cheese. The methods used to transfer the cooked curd from the vats to drain tables has changed. Some producers now pump the curd and whey directly from the vat to the drain table, while other producers drain the whey from the vats rather than dipping the curd from the vats. (TR. 583, 916, 987, 1294–1299, 1420–1421.)

(g) The drained curd may now be directly salted on the drain table at predetermined control levels. The curd is then mechanically handled for hoop procedures by some manufacturers. The handling of the cheese in the hoop has changed in that some manufacturers 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, 968–973, 987, 1475.)

(h) The domestic parmesan industry now almost universally utilizes the daisy hoop holding from 22 to 28 pounds of cheese. The use of this standard hoop size has resulted in other changes in the production process; i.e., alterations in cooking temperatures, reductions in curd cooking time, pressing time, salting time, salt equalization time, and drying time. (WD—Stine pp. 9, 12, 15; WD—F. Klensch, pp. 7, 9; WD—Langhus p. 10, 21; TR. 290–291, 298, 300–303, 537–538, 540, 572–573, 584–585, 917–918, 924–925, 986–987, 1142, 1420, 1439–1440, 1442, 1482, Ex. 0–2.)

(i) Significant changes have been made in salting techniques; i.e., adding salt directly to the curd. Dry salting has generally been abandoned in favor of brine salting, and the optimum brine temperatures are more scientifically determined and controlled. Continuous mechanical brine agitation has also been introduced. (WD—Dee p. 6; WD—Stine pp. 9, 15; WD—Langhus p. 21; TR. 295, 560, 569–571, 800–801; 916–918, 919, 925, 935–936, 945–946, 1071, 1387.)

(j) Substantial reductions in the time periods necessary for salt equalization and drying of curd have been affected through the utilization of smaller loaves, storage of the loaves on edge rather than on the flat surface, and the utilization of improved air treatment and air circulation equipment. (WD—Langhus pp. 21–23; WD—Stine p. 16; WD—Dee p. 22; TR. 319–323, 549, 557; Ex. K–1.)

(k) Significant improvements and changes have been made in the methods used to control the rate and amount of moisture loss from parmesan cheese during the curing period. Most manufacturers use some type of protection in curing cheese to reduce surface defects, and to prevent too rapid drying which results in slower flavor development and thus a slower total curing period, but not all manufacturers apply such a protective coating. 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 within which the typical characteristics of parmesan cheese are developed. (WD—F. Klensch p. 14; WD—Dee p. 6, 7; WD—Nelli p. 4; TR. 306–308, 316–317, 331, 395–397, 442–445, 456–457, 468–469, 551, 970–971, 1088, 1127, 1454, 1487, 1491–1492.)

(l) Important improvements have been made since the late 1940's in the control of temperature, humidity, and air circulation utilized during the 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. Through 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. 21–24; WD—Stine p. 9–10, 14, 16, 17; WD—F. Klensch p. 14; TR 273, 313, 319–323, 329–331, 557, 559, 564–565, 579, 610, 612, 925–927, 985–986, 1074–1075, 1125–1126, 1450, 1453–1454, 1488–1489, 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, but for the 14-month curing period, can 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 characteristic flavor, texture, body, grateability, fat, and moisture content within the existing ranges of parmesan currently on the market. (WD—Stine pp. 16–18, 20–23; WD—Dee pp. 5–9; WD—F. Klensch pp. 9–10, 16–17, 27; WD—Langhus pp. 11, 19, 26, 27; WD—R. Klensch p. 8; TR. 315, 346, 348–350, 388–389, 455, 463–465, 504–505, 581–582, 822, 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 above 60° F. (TR. 310). No patents are involved in the more modern manufacturing procedures followed by Tolibia and Kraft which would preclude other manufacturers from producing typical 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.)

10. 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 curing, newer, more efficient and 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.)

11. 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 so 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—Nelli 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 with a 10-month curing period, store this cheese at 35° F. from approximately 10 months to purposely arrest further curing. Frequent and regular organoleptic tests by trained inhouse cheese tasters have established the similarity of this cheese at 10 months on, and at 14 months. (WD—Stine pp. 13–14, 17, 18, 22; WD—Langhus pp. 11, 15, 25, 27; WD—F. Klensch pp. 6, 15, 16, 17; WD—Dee pp. 3, 5, 9; TR. 274–288, 312, 328–329, 346, 348–350, 388–389, 443–444, 452–453, 504–505, 872–873, 888, 945, 947–948, 967, 976–977, 979, 982–984, 989; Ex. G, Ex. H.)

13. Pursuant to the agreement of all participants in this hearing, a panel of five acknowledged experts in the grading and evaluating of parmesan cheese was convened at the University of Wisconsin at Madison, Wis., on October 14, 1971, under the direction and supervision of a mutually selected, objective moderator. Various samples of parmesan cheese were supplied by the parties, collected by Food and Drug Administration inspectors, and cured for periods ranging from 7 to 19 months, together with one imported parmesan cheese of unknown age and one Hard Grating cheese, which were intended to provide a control, were prepared for the panel under the supervision of the moderator so the identity and source of the sample would be unknown to the panelists. Each judge was asked to individually identify each sample as parmesan or any other type of cheese, and to state his observations as to the color (a color chart was given each judge), flavor, texture, odor, and body of each sample and to note any other identifying characteristic he so desired. The individual score sheets of the judges, each of whom evaluated 20 samples, and a tabulation of the results prepared by the moderator was admitted into evidence as Exhibit G. Thereafter portions of these samples were analyzed by an independent laboratory for fat, moisture, and salt content. These analyses were conducted pursuant to widely recognized procedures which produced reliable results. The results of these analyses were admitted into evidence as Exhibit H.

14. The results of this taste panel and the laboratory analyses, although susceptible to various interpretations and extrapolations (see proponents' brief and Appendix A, and objectors' brief, pp. 54–59), do conclusively establish the wide range of organoleptic characteristics associated with parmesan cheese by experts. The flavor characteristics were described by the judges in the following terms: Full, sweet, nutty, mild, slight acid, peppery, mild to sharp, slightly fruity, slightly salty, slightly high salt, slightly rancid, intense, fruity, and woody. The range of colors ascribed to the samples by the judges, using the color chart supplied, varies widely. The significance of this characteristic, however, is minimal due to the fact that the milk may be bleached or artificially colored under the present standard. The texture characteristics were described in the following terms: Pinholes, close, typical, mechanical openings, brittle, granular, flecked, mealy, good, mottled, and short. The following terms were used by the judges to describe the odor of cheese they classed as parmesan: Nutty, characteristic, normal, typical, acceptable, woody, fruity, slightly rancid, favorable, good, clean, poor, not normal, unclean. With one exception, the cheese classified as parmesan by the judges complied with the 32-percent minimum milk-fat content that is required by the standard. The majority of these samples complied with the maximum moisture level of 32 percent, ranging from 26.38 percent to 33.18 percent, while seven out of 30 samples were slightly above 32 percent. Salt levels varied from a low of 1.38 percent to a high of 3.29 percent, with the imported sample having the lowest average level. The standard requirements of milk-fat and moisture content were met by all 10-month cheese sampled, with only two minor exceptions out of the 16 analyzed samples. These test results closely correlate with parmesan aged 14 months or older, and samples cured for a period of 10 months were classified as parmesan by the judges with a nine out of 15 sample majority in the trials. The test results were equal to or better than some samples which had been cured for periods ranging from 11 to 19 months, while samples aged 7 or 8 months were easily detected by the judges as not typically parmesan. Although these tests were not conclusive, the results, coupled with the other substantial evidence of record, establishes the fact that parmesan cheese, having the color, flavor, texture, odor, and body characteristsics within the variable range found in parmesan cheese cured for 14 or more months, is being produced with a 10-month curing period. The test results also establish that a minimum 10-month curing period is reasonable, and that any shorter curing period will not produce a cheese having the organoleptic characteristics of parmesan cheese. (Ex. G, Ex. H.)

15. Parmesan cheese reaches the ultimate consumer in four basic forms: As a chunk or piece usually cut from larger pieces by local retailers, and sold 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, while as an ingredient in such manufactured food, the parmesan is no longer physically or chemically identifiable as a standardized food. (WD—Langhus p. 26; TR. 1052–1054, 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 were prepared. (TR. 378–381, 450–451, 465–466, 1054, 1057–1060, 1166, 1182–1183.)

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

19. Except for the extremely small quantity of parmesan consumer as 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, with some purchased in the higher moisture, packaged shredded form. The trend in the last 30 years has been away from the retail sale of loaf or chunk parmesan cheese and toward the grated and shredded form.

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—Stine p. 20; WD—F. Klensch p. 16; WD—Langhus p. 26; WD—Cassinerio p. 6; TR. 389–390, 397, 409, 411–412, 448–451, 456, 465–466, 475, 539–540, 838–839, 1010–1011, 1069, 1184–1185, 1213–1214, 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 chunk is taken, and in part by the organoleptic properties of the cheese itself. Thus, parmesan directed to this market must be of premium quality as to loaf appearance and organoleptic qualities and such cheese commands a premium price. (WD—O'Flynn p. 2; TR. 409–410, 463, 1068, 1175–1176, 1185–1186, 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. Loaves 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 widely 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—Cassinerio p. 8; WD—Langhus p. 32; TR. 409–410, 463, 838–842, 897–898, 936–938, 984–985, 996–998, 1068, 1110–1112, 1175–1176, 1185–1186, 1214–1220, 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, has been produced with a 10-month cure 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 changes that are minimized by low storage temperatures, but remain inevitable and undesirable. The adoption of the 10-month curing period would permit manufacturers to market parmesan cheese with the slightly milder flavor preferred by the majority of consumers, and would also tend to reduce the present wide variations in flavor. (WD—Langhus pp. 18–19, 25; WD—Stine pp. 26, 30, 41; WD—F. Klensch p. 31; TR. 266–267, 449–450, 546, 887–888, 892–893, 967, 975, 978–979, 983, 985, 1598.)

(b) The changes and improvements in manufacturing procedures over the past 25 years have made possible increased mechanization of the production and curing steps of parmesan cheese manufacturing that have created production cost savings. The improved production procedures have reduced the number of defective parmesan loaves and consequently increased productivity and further production cost savings. (WD—Langhus p. 22; WD—Stine pp. 16–17; WD—F. Klensch pp. 8–10, 13, 14; WD—Dee pp. 6–7; TR. 290–293, 315, 465, 549, 582–583, 916, 987.)

(c) A 4-month 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 saving of 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. 11; WD—R. Klensch pp. 4, 5; WD—F. Klensch p. 28; TR. 492–496, 499, 1238, 1594.)

(d) The production and sale of parmesan cheese is highly competitive, and the savings in producing and curing costs of the cheese would exert a downward pressure on prices and are desirable for both the producer and consumer. Increases in the productivity of parmesan are in the best interest of both producer and consumer. The downward pressure on prices may be reflected as a reduction in parmesan prices, the maintenance of current prices despite increases in other nonproduction costs, or a smaller price increase required by increases in other costs. It has been conservatively estimated that a 4-month reduction in the curing time would reduce the cost of producing parmesan cheese by approximately 2.2 cents per pound. This saving in production costs, if passed on to consumers, would lower the retail price of parmesan by 2 cents per pound in loaf form and up to 5 cents per pound when marketed in 3-ounce jars of grated parmesan. These price reductions, if effected, would represent a retail price savings to consumers on parmesan cheese. (WD—Stine pp. 36, 41; WD—Schulze, p. 9; WD—R. Klensch pp. 4–5; WD—O'Flynn p. 6: TR. 1001–1004, 1567–1568, 1580–1584, 1586–1590, 1602–1603.)

24. Exhibits G and H confirm that 10-month parmesan is virtually indistinguishable from parmesan cured for 14 or more months. It may therefore be practically impossible for producers, distributors, enforcement officials, and consumers to determine whether any given sample of parmesan has been cured for 14 months as presently required by the parmesan standard. There is, therefore, at present a possibility for the intentional or unintentional violation of the parmesan standard. Such a condition is not in the best interests of either the consumer or legitimate producers. (WD—Langhus pp. 31–32; TR. 455–456, 827–833, 1136–1137, 1223–1229, 1495–1496, 1524–1525, 1599–1600.)

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—Langhus pp. 28–29; TR. 610–611, 1050; Finding No. 20; 15 F.R. 5658; Ex. H; Ex. K–9, K–13.)

26. Because of the wide range of physical and organoleptic characteristics of parmesan cheese presently produced and marketed under the parmesan standard, the adoption of the 10-month cure would not result in a reduction of the quality of this cheese consumed in this country. (TR. 822; Ex. G, Ex. H)

Proposed Conclusions of Law

1. *Issue 1.* The food prepared in conformity with the requirements of the standard of identity for 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. Exceptions shall point out with particularity 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.

Dated: July 27, 1972.

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]

[S-72-1]

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 men. 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. 1593), 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 therefor 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 Rooms 216 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, 1726 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. 1590).

(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:

(a) The terms "State," "Assistant Secretary," and "Act" are defined as provided in paragraphs (a), (b), and (c) respectively, of § 1950.2 of this chapter.

(b) "State plan" means a plan submitted by a State to the Assistant Secretary for approval as set out in Part 1902 of this chapter.

(c) "Approved State plan" means a State plan which the Assistant Secretary has approved.

Subpart B—Applications

§ 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 per centum of the total cost to the State of implementing the State plan for the period covered by the grant application. The grant application must contain proposed costs which are allowable (i.e., directly allocable to implementing 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 records and file with the Assistant Secretary such fiscal reports as are necessary to ensure the appropriate 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.[1] 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.[1]

(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 match the Federal share of the cost of implementing the approved State plan.

[1] Instructions may be obtained from the Regional Administrators of the Occupational Safety and Health Administration.

(e) The application must bind the applicant to accept the grant conditions and other requirements of this part.

§ 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 passing upon each application, 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 representative 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 taken 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 evaluation) 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 previous disapproval. Any deferral or disapproval of an application shall not preclude its reconsideration or a reapplication within a reasonable time. Such request for reconsideration by or a reapplication to the Assistant Secretary 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 reapplication.

(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.

Subpart C—Award and Termination

§ 1951.20 Grant awards.

Within the limits of funds available for such purpose, the Assistant Secretary shall approve grant applications and 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 28, 1971 (36 F.R. 8754) 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 section 23 of the Act and was empowered to subdelegate that authority to such officers and employees as he deems appropriate. The delegation to the Assistant Secretary, therefore, includes the power to issue, amend, and repeal rules under this part and to provide any policy, regulations, or guidelines by which this part is implemented. He may, with respect to any grant award, impose additional conditions prior to or at the time of any award when, in his judgment, such conditions are necessary to assure safe and healthful working conditions for working men and women, 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 plus an additional amount for indirect costs, if any, which will be calculated by the Assistant Secretary either: On the basis of his estimate of the actual indirect costs reasonably related to the plan; or on the basis of a percentage of all of the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Assistant Secretary: *Provided, however,* That no grant shall be made for an amount in excess of 50 percentum of the total cost as found necessary by the Assistant Secretary for the carrying out of the plan. In 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 which Federal grants from other sources 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

to accountability as provided under Subpart E of this part.

(c) To be an allowable cost under any grant awarded under this part, the cost that is paid or incurred by the grantee must be, in the opinion of the Assistant Secretary:

(1) *Allocable.* A cost must be necessary to implement the approved State plan and expended in accordance with this part and those conditions imposed in the grant instrument.

(2) *Reasonable.* A cost must be reasonable in amount.

(3) *Timely.* A cost must have been incurred after the effective date of the grant and prior to its expiration or termination.

(4) *Documented.* A cost must be supported by satisfactory evidence.

(d) Except as may otherwise be provided by this part, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities provided it is in conformance with the applicable principles set forth in Chapter 29 and Subpart 1–15.7 of Chapter 1 of Title 41, Code of Federal Regulations.

(e) While §§ 1–15.712–2 and –3 provide respectively that expenditures which may increase the value of or useful life of facilities and capital assets shall be allowable only with the prior approval of the grantor agency, nevertheless, such costs will not be approved for grants awarded under this part unless the application clearly and convincingly establishes that the State agency cannot implement the approved State plan unless such expenditures are allowed.

(f) Any grant awarded under this part shall not commit or obligate the United States in any way to make any additional or supplemental or other award or continuation with respect to implementing that portion of the approved State plan covered by the proposed grant. However, the Assistant Secretary may, from time to time, within the period of time covered by the grant under this part, amend upward the initial grant award with respect to the implementation of an approved State plan, without any change in the plan or the period covered by the grant, where he finds, on the basis of such progress and accounting reports as he may require, that the amount of any prior award was less than the amount necessary to implement the approved State plan within the period covered by the grant and that the State will match such increase.

§ 1951.23 Payments.

The Assistant 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 for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the implementation of that portion of the approved State plan covered by the period for which the grant is given. Payments will be made in a manner, monthly or otherwise, that will closely approximate the grantee's rate of expenditure, except that no partial Federal payment may be made in an amount that would bring the aggregate amount of all partial payments to an amount in excess of the total non-Federal or matching State share which the State has available at the time of such partial payment. All such payments shall be recorded by the grantee in accounting records which will disclose the financial results of a grant award, such as authorizations, program income, obligations, assets, liabilities, and disbursements, in terms of the Federal and State shares. Amounts paid shall be 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.

§ 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 50 percentum of the cost of implementing the approved State plan.

(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 private organizations and individuals, except that funds originating from another Federal source or funds provided by a State as its matching share under another Federal grant may not be counted as part of a State's matching share for grants awarded under this part.

(2) *In-kind contributions.* In-kind contributions represent the value of non-cash contributions provided from any of the sources in § 1951.24(b)(1) and are creditable as part of the State's matching share to the extent cash contributions from the same source would have been.

§ 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 in a material respect to comply with the terms and conditions 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.

(c) *Constructive termination by the Assistant Secretary.* If, under the procedures of section 18(f) of the Act, including notice and an opportunity for a hearing, the Assistant Secretary notifies the State agency of his withdrawal of approval of a previously approved State plan, such notice shall operate constructively as notice of termination of any grant awarded under this part.

(d) *Termination by the grantee.* A grantee may at any time terminate or cancel its performance of an approved grant by notifying the Assistant Secretary in writing setting forth the reasons for such termination.

(e) *Accounting.* Upon any termination, the grantee shall render an accounting pursuant to Subpart E of this part. Credit shall be allowed to the grantee as a cost under the grant of the amount required to settle, at minimum cost, any noncancelable obligations properly incurred by the grantee prior to receipt of notice of termination.

Subpart D—Special Grant Conditions

§ 1951.30 Political activity.

Under the provisions of the Federal Hatch Act (Political Activities Act of August 2, 1939, as amended; 5 U.S.C. 1501ff), 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 Nondiscrimination.

(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 for bids and is the most advantageous.

(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 requirements for the material, product, or service to be procured and exclude any features which restrict competition.

(f) All procurements shall be conducted so as to avoid any possibility or appearance of collusion or conflict of interest.

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

(1) Contractor conformance with the terms, conditions, and specifications of the contract or purchase order;

(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 those 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) [1] 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 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 amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

§ 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,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased 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.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or may be transferred to another grantee for the purpose of pursuing an objective within the scope of the Act.

(b) The grantee can be relieved of accountability for equipment by request, to the Assistant Secretary, in accordance with instructions in the Department's "Property Handbook for Occupational Safety and Health Administration for Grantees" when the property is:

(1) Excess to the grantee's needs;

(2) Discovered to be missing from inventory or is destroyed or damaged;

(3) Desired by the grantee for cannibalization;

(4) Desired by the grantee for use in a "trade-in" transaction;

(5) Requested for return by the Department; and

(6) Disposed of as required in grant closeout procedures.

§ 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 awarded 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

[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.

or instrumentality of such local unit of government) shall be returned in its entirety to the Department for deposit in the U.S. Treasury.

(b) All revenue from fines and/or penalties.

§ 1951.44 Final settlement.

There shall be payable to the Federal Government as final settlement, with respect to each approved grant, the total sum of:

(a) Any amount not accounted for pursuant to this subpart;

(b) Any credits for equipment as provided in § 1951.42;

(c) Any credits for residual material of a consummable nature, title to which has not been previously waived by the Assistant Secretary;

(d) Any credits for earned income as provided in § 1951.43(a); and

(e) Any other settlements required pursuant to § 1951.43.

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

§ 1951.45 Disputes.

Any disputes, concerning a question of fact arising as the result of the State agency's performance of any grant awarded under this part, shall be resolved by applying the disputes and appellate procedures and related clauses contained in §§ 1–1.318 and 1–7.101–12 of Chapter 1 and § 29–1.318 and Part 29–60 of Chapter 29 of Title 41, Code of Federal Regulations, except that:

(a) The word "contract" shall mean grant awarded under this part;

(b) The word "contractor" shall mean grantee;

(c) The term "contracting officer" shall mean the Assistant Secretary or his designee;

(d) The requirements in this section in no way alter, diminish, or in any way affect the responsibilities of the Assistant Secretary under section 18(f) of the Act with regard to a State's failure to comply substantially with any provision of the State plan or the State's remedies, as provided in section 18(g) of the Act, concerning a decision of the Assistant Secretary, under section 18(f), for which decision the State wishes to obtain judicial review.

§ 1951.46 Copyrights and patents.

(a) Any application for a grant award under this part shall constitute the consent of the grantee to give the Federal Government, its officers, agents, and employees, acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world to publish, translate, reproduce, deliver, perform, dispose of and sublicense such subject data or inventions, whether copyrighted or patented, any "subject data" (including writing, sound recordings, pictorial reproduction, drawings, or other graphical representatives and works of any similar nature) or invention, originated in or arising out of activities financed by this grant, whether or not within the scope of the approved State plan.

(b) Laboratory notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Assistant Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Departmental regulations.

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

(d) Appropriate measures shall be taken by the grantee and by the Assistant Secretary to assure that no contracts, assignments, or other arrangements inconsistent with this grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation.

§ 1951.47 Retention and custody of records.

(a) Record retention requirements, for the designated State agencies, established by the State governments receiving grants under this part are deemed adequate except that financial records, supporting documents, statistical records, and all other records pertinent to a grant program shall be retained for a period of 3 years, with the following qualifications:

(1) The records shall be retained beyond the 3-year period if audit findings have not been resolved.

(2) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for 3 years after final disposition of the property.

(3) When grant records are transferred to or maintained by the Department, the 3-year 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 renewed 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.

(d) The Assistant Secretary shall request transfer of certain records to his custody from State governments when he determines that the records possess long-term 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.

(e) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State governments and their subgrantees or subcontractors which are pertinent to a specific grant program for the purpose of making audit, examination, evaluation, excerpts and transcripts. As used in this subsection, political subdivisions, e.g., counties, cities, towns, etc., are, to the extent their relationship to the designated State agency is applicable, considered to be subgrantees or subcontractors. The substance of this subsection shall be inserted in any subgrant or subcontract entered into by the designated State agency under any grant awarded under this part.

(f) No restriction is placed on State agencies which limits public access to the State governments' records except when records must remain confidential for the following reasons:

(1) To prevent a clearly unwarranted invasion of personal privacy.

(2) To specifically comply with a Federal Executive order or statute requiring the record to be kept secret.

(3) To protect commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(4) To avoid the disclosure of any other information which can be exploited for the purpose of personal gains.

Signed at Washington, D.C., this 17th day of July 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-12295 Filed 8-4-72;8:49 am]

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 (67 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 3300-1 (February 1971). Copies of the lease form are available from the above listed Manager or the 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 250.34, shall identify the anticipated placement and grouping of necessary structures, showing how much placement and grouping will have the minimum 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 leasehold, 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 (b) and Executive Order No. 11246 of September 24, 1965, 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 in 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 warned against violation of section 1860 of title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 3(h) and 3(i) of the lease agreement, Form 3300-1 (February 1971). Bidders must submit with each bid ⅕ of the amount bid in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management.

Bidders are notified that any cash, checks, drafts, or money orders, submitted with their bids, may be deposited in an unearned escrow account in the Treasury during the period their bids are being considered, and that such deposit does not constitute, and shall not be construed as, acceptance of any bid on behalf of the United States. The leases will provide for a royalty rate of ⅙, and yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3304.1 prior to the issuance of each lease.

Bids will be considered on the basis of the highest cash bonus offered for a tract. The United States reserves the right, and discretion to reject any and all bids, regardless of the amount offered. Oil payment, overriding royalty, logarithmic, or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

A separate bid, in a separate envelope, must be submitted for each tract. The envelope should be endorsed "Sealed Bid for oil and gas lease, Louisiana (insert number of tract) not to be opened until 10 a.m., c.s.t., September 12, 1972.

Official leasing maps in a set of 26, which contains the maps for the areas in which the tracts being offered for lease may be located, can be purchased 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, 1954; Revised Apr. 28, 1966; July 22, 1968)

Ship Shoal Area

Tract No.	Block	Description	Acreage
La. 2247	98	All	5,000
La. 2248	110	do	5,000
La. 2249	160	do	5,000
La. 2250	202	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Ship Shoal Area—South Addition

La. 2251	320	All	5,000
La. 2252	326	do	5,000
La. 2253	338	do	5,000
La. 2254	343	do	5,000
La. 2255	344	do	5,000
La. 2256	345	do	5,000
La. 2257	359	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954; Dec. 9, 1954; Apr. 28, 1966)

South Timbalier Area

Tract No.	Block	Description	Acreage
La. 2258	195	All	5,000
La. 2259	202	do	3,772.18

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966; July 22, 1968)

South Timbalier Area—South Addition

La. 2260	217	All	5,000
La. 2261	314	do	5,000
La. 2262	315	do	4,457.74
La. 2263	316	do	4,434.96

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7

(Approved June 8, 1954; Revised Apr. 28, 1966)

Grand Isle Area

La. 2264	58	All	5,000
La. 2265	65	do	5,000
La. 2266	67	do	5,000
La. 2267	69	do	5,000
La. 2268	76	do	5,000
La. 2269	84	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7A

Approved Sept. 8, 1959; Revised Mar. 7, 1961; Apr. 28, 1966)

Grand Isle Area—South Addition

La. 2270	94	All	4,539.89
La. 2271	95	do	4,539.89

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8

(Approved June 8, 1954; Revised Apr. 28, 1966)

West Delta Area

La. 2272	35	All [1]	1,893
	36	E½ [1]	
La. 2273	36	W½ [2]	1,446
La. 2274	68	N½	1,832.535
La. 2275	101	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8A

(Approved Sept. 8, 1959; Revised Nov. 24, 1961; April 28, 1966)

West Delta Area—South Addition

La. 2276	113	All	5,000
La. 2277	124	do	5,000
La. 2278	143	do	5,000
La. 2279	149	do	5,000
La. 2280	154	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9

(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

South Pass Area

La. 2281	46	All [3]	2,712
La. 2282	47	do [3]	5,531.24
La. 2283	48	do	4,999.96
La. 2284	49	do	4,999.96
La. 2285	51	do	4,999.96
La. 2286	52	do	4,999.96
La. 2287	53	do	4,999.96
La. 2288	56	do [3]	2,288.62
	57	do [3]	

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

South Pass Area—South and East Addition

Tract No.	Block	Description	Acreage
La. 2289	75	All	5,000
La. 2290	76	do	5,000
La. 2291	77	do [3]	4,807.63
La. 2292	78	do [3]	2,647.72
La. 2293	82	do	5,000
La. 2294	83	do	5,000
La. 2295	96	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10

(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

Main Pass Area

La. 2296	60	All [3]	4,539.63
La. 2297	61	do	3,776.59
La. 2298	138	All [3]	4,994.55
La. 2299	139	do	4,994.55
La. 2300	140	do	4,994.55
La. 2301	141	do	4,994.55
La. 2302	146	do	4,560.81
La. 2303	149	do	4,999.96
La. 2304	150	do	4,999.96

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Main Pass Area—South and East Addition

La. 2305	219	All	4,994.55
La. 2306	220	do	4,994.55
La. 2307	221	do	4,994.55
La. 2308	222	do	4,994.55
La. 2309	223	do	4,994.55
La. 2310	245	do	4,994.55
La. 2311	246	do	4,994.55
La. 2312	247	do	4,994.55
La. 2313	261	do	4,994.55
La. 2314	262	do	4,994.55
La. 2315	263	do	4,994.55
La. 2316	280	do	4,994.55
La. 2317	281	do	4,994.55
La. 2318	282	do	4,994.55
La. 2319	302	do	4,996.96
La. 2320	303	do	4,999.96
La. 2321	304	do	4,999.96
La. 2322	309	do	4,999.96
La. 2323	310	do	4,999.96
La. 2324	311	do	4,999.96

[1] Portion in Zone 2 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

[2] Portion in Zone 3 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

[3] That portion which is more than 3 geological miles seaward from the line described in paragraph 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 13, 1965, in the United States v. Louisiana No. 9 Original (382 U.S. 288).

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, or are thereafter adjudicated to be 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 53226, T-9003 Federal Office Building, New Orleans, LA 70153.

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.....

Tract No.	Total amount bid	Amount per Acre	Amount submitted with bid

.....
(Signature)
(Please type signer's name under signature)

No. Misc. No..... Percent..... .....
(Company)

.....
(Address)

IMPORTANT

The bid must be accompanied by one-fifth of the total amount bid. This amount may be cash, money order, cashier's check, certified check, or bank draft. A separate bid must be made for each tract.

BURT SILCOCK,
Director,
Bureau of Land Management.

Approved: August 2, 1972.

HARRISON LOESCH
Assistant Secretary of the Interior.

[FR Doc. 72-12296 Filed 8-4-72;8:49 am]

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:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, E&R 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.72-12251 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—F.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., e.d.t., July 31, 1972.

Signed at Washington, D.C., on July 31, 1972.

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

[FR Doc.72-12292 Filed 8-4-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6151; Docket No. FDC-D-458; NDA 6-151 etc.]

ROCHE LABORATORIES AND E. R. SQUIBB & SONS

Certain Preparations Containing Dihyprylone 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.

NDA No.	Drug	NDA Holder
6-151	Sedulon Syrup containing dihyprylone and extract of thyme.	Roche Laboatories, Division of Hoffman-La Roche Inc., Roche Park, 340 Kingsland St., Nutley, NJ 07110.
12-820	Theratuss Tablets containing pipazethate hydrochloride.	E. R. Squibb & Sons, 909 3d Ave., New York, NY 10022.

Neither the holders of the new-drug applications nor any other interested persons have filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports 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]

[DESI 8881; Docket No. FDC-D-436; NDA 8-881]

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 the 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), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports 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 new drug application, 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;8:46 am]

Office of Education

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 92–334 (H.J. Res. 1234, making continuing appropriations 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 92–334).

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, Jr.,
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 192 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 relies to justify the issuance of such a license.

Pursuant to requests by the Regulatory Staff (Staff) and the New England Coalition on Nuclear Pollution (Coalition), the Atomic Safety and Licensing Board granted extensions of time to file answering affidavits for 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 15, 1972. In accordance with those extensions of time, answering affidavits were filed by the Staff and the Coalition, and in addition, answers were filed by the Commonwealth of Massachusetts and the Conservation Society of Southern Vermont, Inc., and the State of New Hampshire.

The hearing on this motion is governed by special legislation Public Law 92-307 and rules of practice, Subpart F, specifying procedures applicable for temporary operating licenses, both of which provide that the hearing on the motion shall be limited to an oral argument based upon the affidavits, unless the Atomic Safety and Licensing Board (Board) concludes after a consideration of the Applicant's affidavits and the answering affidavits that a substantial issue is presented that warrants the introduction of oral evidence. The Board has considered all of the affidavits and concludes that while there is a conflict in the assertions presented, it is not believed that any substantial issue is presented that warrants the introduction of oral evidence. The Board further concludes that the parties have fully set forth their positions as reflected in the affidavits and that the hearing should be limited to oral argument as provided by the specified Rules of Practice. No oral evidence will be received at the hearing.

Wherefore, it is ordered, and notice is hereby given, in accordance with the Atomic Energy Act, as amended, particularly by Public Law 92-307, and Subpart F of the rules of practice of the Commission, particularly § 2.604 thereof, a hearing shall convene at 9 a.m. on Tuesday, August 15, 1972, in the Conference Room, Brooks Memorial Library, 224 Main Street, Brattleboro, VT., to consider the motion with affidavits filed by Vermont Yankee Nuclear Power Corp. and the answers and answering affidavits filed by the Regulatory Staff of the Commission, New England Coalition on Nuclear Pollution, Commonwealth of Massachusetts, and other parties to the proceeding in reference to the request and motion of Applicant for a temporary operating license for the nuclear power facility constructed at Vernon, Vt.

This hearing will be held in accordance with the requirements and directions of U.S. Public Law 92-307 and 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. Ritsher, Esq., Ropes & Gray, 225 Franklin Street, Boston, MA 02110.
Regulatory Staff of the Atomic Energy Commission, c/o William Massar, Esq., Washington, D.C. 20545.
New England Coalition on Nuclear-Pollution, c/o Anthony Z. Roisman, Esq., Berlin, Roisman, and Kessler, 1712 N Street NW., Fourth Floor, Washington, DC 20036.
Commonwealth of Massachusetts, c/o Honorable Gregor 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.
State of New Hampshire, c/o Honorable Donald W. Stever, Jr., Assistant Attorney General, State House Annex, Concord, N.H. 03301.
Conservation Society of Southern Vermont, Inc., c/o Harvey D. Carter, Jr., Esq., Williams, Witten, and Carter, 115 Elm Street, Bennington, VT 05201.
Natural Resources Defense Council, Inc., c/o Richard E. Ayres, Esq., 36 West 44th Street, New York, NY 10036.
State of Kansas, c/o Honorable William H. Ward, Assistant Attorney General, Topeka, Kans. 66612.

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. JENSCH,
Chairman.

[FR Doc.72-12417 Filed 8-4-72;9:35 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:

$10,032
10,735
11,417
12,375

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. 23096), a letter dated November 29, 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 Textiles done at Geneva on February 9, 1962. Paragraph 4 of Article 3 provides, in substance, that where more than one product is under restraint, the level of restraint for any one product may be exceeded by 5 percent, provided that the total exports subject to restraint do not exceed the aggregate level for all products so restrained. The Government of Costa Rica has requested that such an increase be applied to Category 55 with an equivalent reduction effected in Category 61.

Accordingly, there is published below a letter of August 2, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directive of November 29, 1971, by adjusting the levels of restraint applicable to imports of cotton textile products in Categories 53 and 61 from Costa Rica.

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

AUGUST 2, 1972.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on November 29, 1971, from the Chairman, President's Cabinet Textile Advisory Committee, regarding imports into the United States of cotton textile products in Categories 53 and 61 produced or manufactured in Costa Rica.

Effective as soon as possible, the first paragraph of the directive of November 29, 1971, is amended to read as follows:

Under the terms of Article 3 of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, 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 12-month period beginning October 1, 1971, and extending through September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 53 and 61, produced or manufactured in Costa Rica, in excess of the following adjusted levels of restraint:

Category		Adjusted 12-month levels of restraint [1]
53	dozen	30,870
61	do	75,231

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.

[FR Doc.72-2288 Filed 8-4-72;8:48 am]

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. 5149) 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 provision for the establishment of consultation 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 like those categories having specific export limitations.

Levels of 77,778 number and 641,026 pounds, respectively, have been established for man-made fiber textile products in Categories 237 and 240, produced or manufactured in the Republic of Korea, for the agreement year beginning October 1, 1971. The U.S. Government has decided to control imports in these categories for the remainder of the agreement year. The levels of restraint contained in the letter published below have been adjusted to reflect entries charged against such levels through June 30, 1972.

Accordingly, there is published below a letter of August 2, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of man-made fiber textile products in Categories 237 and 240, produced or manufactured in the Republic of Korea, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 1, 1971, and extending through September 30, 1972, be limited to the designated adjusted levels.

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER 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:

Category		Adjusted levels of restraint [1]
237	Number	13,079
240	Pounds	11,125

[1] 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).

In carrying out this directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

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

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

FEDERAL POWER COMMISSION

[Docket No. G-3219, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Petitions To Amend

JULY 31, 1972.

Atlantic Richfield Co. (Atlantic), Getty Oil Co. (Getty) and Mobil Oil Corp. (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 issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in the various dockets indicated by authorizing additional sales of natural gas from reserves in excess of those committed to the original contracts.

Seller	Docket No.	Rate schedule No.	Filing date
Atlantic	G-3219	247	6-22-72
Do	G-3280	246	6-26-72
Getty	G-3727	15	6-22-72
Atlantic	G-3894	39	6-15-72
		40	6-19-72
Do	G-10715	159	6-26-72
Mobil	G-11951	45	6-12-72
Do	G-12086	96	6-14-72

Atlantic has been delivering natural gas to Natural under its Rate Schedules Nos. 39, 159, and 246 from acreage in the Hagist Ranch Field, Duval and McMullen Counties, Tex., at rates of 19, 15.6585, and 15.0557 cents per Mcf, respectively, and under its Rate Schedules Nos. 40 and 247 from acreage in the Clayton 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 leaseholds subject to the contracts filed as its Rate Schedules Nos. 159 and 246, and as of April 1, 1972, under the leaseholds subject to the contracts filed as its Rate Schedules Nos. 39, 40, and 247 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 buyer (Natural) all surplus gas which may be produced from the lands and leaseholds subject to the respective contract, the quantity of such surplus gas being equal to the difference between the remaining reserves 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, Supplement No. 36. On February 8, 1971, Getty filed an application to abandon the subject sale to Transco, so the subject gas sales could be transferred to Natural. Such application is consolidated in the proceeding, 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 it was obligated to sell to Tennessee under the subject contracts filed as its Rate Schedules Nos. 45 and 96 a daily contract quantity of natural gas equal to 1,000 Mcf per day for each 10 million Mcf of recoverable gas reserves originally 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 which it was required to sell, the gas now being sold is from that portion of the reserves in excess of the portion committed by the expired contracts. Therefore, 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. RI72-196.

The Commission has granted Atlantic, Mobil, and Getty temporary authorization in the subject dockets to make additional 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. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12267 Filed 8-4-72;8:46 am]

[Docket No. CP73-24]

COMMONWEALTH GAS CO.

Notice of Application

AUGUST 1, 1972.

Take notice that on July 28, 1972, Commonwealth Gas Co. (Applicant), 25 Quinsigamond Avenue, Worcester, MA 01608, filed in Docket No. CP73-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of its natural gas for its own account until October 31, 1973, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has contracted with Hopkinton LNG Corp. (Hopco) to liquefy, store, and vaporize for Applicant's account certain volumes of natural gas purchased by Applicant under a long-term firm contract with Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee) in order to meet peak day requirements on its Worcester distribution system. Applicant states that if all of the revaporized gas were returned directly to its Worcester system from the Hopco LNG plant, such gas could not be utilized to meet the estimated peak day needs on its Worcester system during the 1972-73 winter period without the construction of additional distribution facilities estimated to cost $2,250,000. Consequently, Applicant seeks authorization for the transportation of natural gas pursuant to the terms

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 the 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 by Applicant, to Tennessee at an existing point of interconnection between Tennessee's 24-inch mainline and the outlet of the Hopco LNG plant. In turn, Tennessee will transport and deliver equivalent volumes of natural gas to an existing point of interconnection on Applicant's Worcester distribution system. Applicant states that the proposed transportation agreement 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 in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules or practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12265 Filed 8-4-72;8:46 am]

[Docket No. RP72-151]

EL PASO NATURAL GAS CO.

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

JULY 31, 1972.

El Paso Natural Gas Co. (El Paso), on June 30, 1972, tendered for filing in Docket No. RP72–151 Revised Tariff Sheets proposing changes in its FPC Gas Tariff, First Revised Volume No. 3, to become effective on August 1, 1972.[1] The proposed changes would increase rates and charges for El Paso's Northwest Division System in the amount of $3,772,010 annually, exclusive of purchased gas costs, based upon volumes for the 12-month period ended February 29, 1972, as adjusted, El Paso proposes a minimum annual bill provision in its Rate Schedule PL–1.

El Paso states that the principal reasons for the proposed rate increase are increases in virtually all items of cost, such as capital, labor, material, and supplies, and taxes. El Paso claims the need for a 9.0-percent overall rate of return. El Paso states that the minimum annual bill provision proposed in Rate Schedule PL–1 contains a minimum annual commodity charge equivalent to a 65-percent load factor use of contract demand and is an outgrowth of the Stipulation and Agreement on rate design issues in Docket No. RP71–137, which was remanded to the Examiner for further proceedings by Commission Order issued on June 20, 1972.

El Paso included in its filing an Alternative Revised Tariff Sheet with an effective date of August 1, 1972, reflecting an increase of $8,662,642 annually over and above the $3,772,010 increase, which represents increased purchased gas costs which El Paso states will become effective on or before November 30, 1972, the end of the test period utilized in its filing. El Paso proposes that the rates contained in the Alternative Revised Tariff Sheet be accepted in lieu of those described above, if its Purchased Gas Adjustment clause, filed in Docket No. RP72–154 concurrently with this rate increase filing, is not permitted to become effective in the manner proposed and if its concurrently filed motion for modification of its tracking authority in Docket No. RP71–137 is denied. By letter filed July 17, 1972, El Paso, for reasons stated therein, requested that the effective date of its proposed Purchased Gas Adjustment clause, filed in Docket No. RP72–154, be changed from August 1, 1972, to July 1, 1972. El Paso stated that if its proposed Purchased Gas Adjustment clause is permitted to become effective as of July 1, 1972, its Alternative Revised Tariff Sheet should be deemed withdrawn. By order issued today in Docket No. RP72–154 we have accepted El Paso's Revised Tariff Sheets containing its Purchased Gas Adjustment clause, to become effective as of July 1, 1972. Accordingly, El Paso's Alternative Revised Tariff Sheet, tendered on June 30, 1972, in Docket No. RP72–151 shall be deemed withdrawn. In view of the fact that we have accepted the Revised Tariff Sheets containing the Purchased Gas Adjustment clause in Docket No. RP72–154 we shall require El Paso, at the time it places the Revised Tariff Sheets which we are suspending herein in effect, to conform Eighth Revised Sheet No. 10 to the requirements of § 154.38(d)(4).

Review of El Paso's rate increase filing indicates that certain issues are raised which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or 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:

(a) The Commission enter upon a hearing concerning the rates and charges contained in El Paso's FPC Gas Tariff, as proposed to be amended in Docket No. RP72–151, and that the proposed Revised Tariff Sheets as contained in Footnote (1) above be suspended and the use thereof be deferred as herein provided, and

(b) The disposition of these proceedings be expedited in accordance with the procedures set forth below.

(2) In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increase to become effective, subject to refund, at the expiration of the suspension period ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

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 Ch. I) a public hearing be held commencing on December 13, 1972, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in El Paso's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon El Paso's proposed Revised Tariff Sheets listed in Footnote (1) above are hereby suspended and the use thereof deferred until January 1, 1973, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act, subject to the provisions of paragraph (G) below.

(C) At the hearing on December 13, 1972, El Paso's prepared testimony

[1] The proposed revised tariff sheets are Eighth Revised Sheet No. 10 and First Revised Sheet No. 24.

(Statement P), together with its entire rate filing as submitted and served on June 30, 1972, and the evidence of the Commission staff shall be admitted to the record.

(D) Following admission of the evidence of El Paso and the staff the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure.

(E) On or before December 1, 1972, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before December 15, 1972. Any rebuttal evidence by El Paso shall be served on or before January 5, 1973. Cross-examination of the evidence shall commence on January 23, 1973.

(F) 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 and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(G) El Paso's Alternative Revised Tariff Sheet tendered on June 30, 1972, is deemed withdrawn; El Paso's Eighth Revised Sheet No. 10 of First Revised Volume No. 3 of its FPC Gas Tariff is accepted and suspended subject to El Paso's conforming that sheet to the requirements of § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act at the time it places that sheet into effect after suspension.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12268 Filed 8-4-72;8:47 am]

[Docket No. CP73-3]

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 79978, filed an application in Docket No. CP73-3 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities 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) for resale to right-of-way grantors 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 order to accommodate natural gas requests it has received from right-of-way grantors who, as partial consideration for right-of-way easements granted it, 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 grantors 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 82,096 Mcf and during the 1975-76 heating season the estimated 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 21, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdicion conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

MARY B. KIDD,
Acting Secretary.

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

[Dockets Nos. RP70-25, RP72-144]

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,[1] 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 undercollections for service 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, in conformity with these principles in order to cut off, for the future, exposure to the risk of refunding overcollections while being required to absorb undercollections.

Notice of the filing was issued June 30, 1972. Florida Power Corp. (Florida Power), the city of Gainesville and the Gainesville Utilities Department (Gainesville), Gulf Natural Gas Corp. (Gulf Natural), Gainesville Gas Co. (Gainesville Gas), Southern Gas Co. (Southern Gas), Florida Power and Light Co. (FPL), Central Florida Gas Corp. (Central Florida), Maule Industries, Inc. (Maule), and City Gas Company of Florida (City Gas) request leave to intervene. FPL says that it supports the proposed changes. Maule requests that the Commission suspend the filing 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 increase proceeding in Docket No. 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 postponed 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-A; 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, as proposed.

Our review of the various pleadings indicates that rejection of the filing is not justified and that in view of the protective nature of the filing a suspension of the proposed rates for 5 months could have an adverse financial impact on Florida Gas. However, in view of the fact that the allocation and rate design principles on 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 70-25 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 evidentiary proceedings. The proposed changes in rates and charges have not been shown to be justified and 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 Commission enter upon a hearing concerning the lawfulness of rates, charges, classifications, and services contained in Florida Gas' FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets contained in Footnote 1 above be accepted for filing, suspended and the use thereof deferred as hereinafter provided.

(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 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.

(3) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, and services contained in Florida Gas' FPC Gas Tariff, as proposed to be amended herein.

(B) Docket No. RP70-25 and Docket No. RP 72-144 are hereby consolidated for hearing and decision.

(C) Pending hearing and a final decision in these consolidated proceedings, Florida Gas' proposed revised tariff sheets contained in Footnote 1 above are hereby suspended and the use thereof deferred until August 2, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) The provisions of § 154.67 of the Commission's regulations under the Natural Gas Act are waived in order to allow Florida Gas' proposed changed rates to become effective on August 2, 1972, upon the filing by Florida Gas of the appropriate motion under section 4 (e) of the Natural Gas Act.

(E) The above-named petitioners are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and: *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(F) Pursuant to § 2:59(c) of the Commission's rules of practice and procedure, Florida Gas shall promptly serve 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.72-12271 Filed 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 section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Commonwealth Gas Co. (Commonwealth), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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 if all the revaporized gas were returned directly to Commonwealth's Worcester system from Applicant's LNG plant, 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 authorization to transport these volumes 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. In turn, Tennessee wil transport and deliver equivalent volumes of natural gas to an existing point of interconnection on Commonwealth's Worcester distribution system, thereby permitting full utilization of Commonwealth's revaporized gas for peaking purposes throughout its Worcester system during the 1972-73 winter period.

Inasmuch as Applicant's proposed transportation of natural gas is to insure the maximum utilization of the subject gas during the forthcoming heating season, it appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene.

Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12375 Filed 8-4-72;8:50 am]

[Docket No. RP72-149]

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 the filing herein.

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 adjustment increases) before January 1, 1973. Mississippi states that its filing is made in anticipation of a 5-month suspension period with the proposed changes becoming effective January 1, 1973.

Notice of Mississippi's tender was issued on July 17, 1972, and protests and petitions to intervene are due by August 8, 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, 1973.

(C) At the prehearing conference on October 24, 1972, the prepared testimony of Mississippi, and the Commission staff, shall be copied into the transcript 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 of any and all intervenors shall be served on or before November 3, 1972. Any rebuttal evidence by Mississippi shall be served on or before November 24, 1972. Cross-examination of the evidence shall commence December 12, 1972. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(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; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

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

[1] ------ Revised Sheet No. 3A, Ninth Revised Sheet No. 5, First Revised Sheet No. 27B, First Revised Sheet No. 27F, First Revised Sheet No. 27K.

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]

[Docket No. CS71-637, etc.]

PRUDENTIAL DRILLING CO. ET AL.

Notice of Applications for "Small Producer" Certificates[1]

JULY 25, 1972.

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

Any person desiring to be heard or to make any protest with reference to said 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 authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-637 [1]	7- 6-72	Prudential Drilling Co., 1880 Post Oak Tower Bldg., Houston, Tex. 77027.
CS72-604 [2]	7-11-72	Consolidated Oil & Gas, Inc., 1860 Lincoln St., Suite 1300, Denver, CO 80203.
CS73-10	7- 7-72	Elson Oil Co., 305 Mid-Continent Bldg., Tulsa, Okla. 74103.
CS73-11	7-10-72	W. H. Gilmore, 800 Building of the Southwest, Midland, Tex. 79701.
CS73-12	7-10-72	James L. Swope, 103 La Plaza Bldg., Seguin, Tex. 78155.
CS73-13	7-10-72	Wayne Moore et ux., 800 Building of the Southwest, Midland, Tex. 79701.
CS73-14	7- 7-72	Gentry L. Rowsey and wife Myrl A. Rowsey, Post Office Box 867, Alice, TX 78332.
CS73-15	7-10-72	D. D. Harrington, 701 First National Bank Bldg., Amarillo, Tex. 79105.
CS73-16	7- 7-72	Kimberlin & Miller, 1241 Dallas Athletic Club Bldg., Dallas, Tex. 75201.
CS73-17	7- 7-72	Harrington, Inc., 2328 Fidelity Union Tower, Dallas, Tex. 75201.
CS73-18	7- 7-72	Jamark, Inc., 2328 Fidelity Union Tower, Dallas, Tex. 75201.
CS73-19	7-10-72	Carri Oil, 1700 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS73-20	7-10-72	William E. Carl, 1700 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS73-21	7-10-72	Estelle Fariss Watlington, Stanley Marsh III, Tom Fariss Marsh, and Michael Charles Marsh, 701 First National Bank Bldg. Amarillo, Tex. 79105.
CS73-22	7-10-72	J. V. McCullough, 1700 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS73-23	7-10-72	F. C. Hixon, 341 Milam Bldg., San Antonio, Tex. 78205.
CS73-24	7-11-72	George C. Hixon, 341 Milam Bldg., San Antonio, Tex. 78205.
CS73-25	7-13-72	Ralph H. McCullough, 2001 Gulf Bldg., Houston, Tex. 77002.
CS73-26	7-13-72	Robert H. Reeves, Sr., et al., 2875 Bank of New Orleans Bldg., 1010 Common St., New Orleans, LA 70112.
CS73-27	7-13-72	J. A. Matthews, Post Office Box 752, Midland, TX 79701.
CS73-28	7-13-72	R. H. Siegfried, Inc., 6 East Fifth St., Suite 311, Tulsa, Okla. 74103.
CS73-29	7-10-72	William J. Cobb, R. James Gear, T. F. Buchanan, and Charlotte T. Bowers, 788 The Petroleum Bldg., Tyler, Tex. 75701.
CS73-30	7-12-72	Jairrids Corp., Post Office Box 879, Sherman, TX 75090.
CS73-31	7-12-72	Vincus Investments, Post Office Box 879, Sherman TX 75090.
CS73-32	7-17-72	Gulf Coast Oil and Gas Co., Post Office Box 1684, Midland, TX 79701.
CS73-33	7-14-72	Gloria M. Saleh, 2800 Sunnybrook, Tyler, TX 75701.
CS73-34	7-17-72	Great Southern Oil & Gas Co., Inc., 503 Pinhook Rd., Lafayette, LA 70501.
CS73-35	7-14-72	Bill Reville, 3321 Otsego, Amarillo, TX 79106.
CS73-36	7-14-72	Mullins & Prichard, 416 Oil & Gas Bldg., New Orleans, La. 70112.
CS73-37	7-14-72	GTC Oil Corp., 700 Midland National Bank Bldg., Midland, Tex. 79701.
CS73-38	7-13-72	B. R. Greathouse, Post Office Box 82, Midland, TX 79701.
CS73-39	7-13-72	Mae C. Rebstock, et al., 2875 Bank of New Orleans Bldg., 1010 Common St. New Orleans, LA 70112.
CS73-40	7-13-72	Joe R. Abercrombie, 2001 Gulf Bldg., Houston, Tex. 77002.
CS73-41	7-17-72	Viking Resources Corp. 10948 Reading Rd., Cincinnati, OH 45241.
CS73-42	7-17-72	Dowdle Oil Corp., Suite 1200 Midland Savings Bldg., Midland, TeN. 79701.

[1] Applicant proposes to amend his certificate to include additional interests.
[2] Applicant proposes to amend his certificate to include additional rate schedule numbers.

[FR Doc.72-12032 Filed 8-4-72;8:45 am]

[Dockets Nos. RI72-280, etc.]

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 [1]

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. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-280	Texas Oil & Gas Corp	29	13	El Paso Natural Gas Co. (Ignacio Fld, La Plata County, Colo.).	----------	6-12-72	7-13-72	[3] Accepted			
	do		14	do	----------	6-12-72	7-13-72	[3] Accepted			
	do		15	do	----------	6-12-72	7-13-72	[3] Accepted			
	do		16	do	$10,507	6-12-72	----------	12-13-72	[4] 14.0	[5] 22.0	RI70-19.
	do			do	----------	6-12-72	----------	12-13-72	15.0	[5] 28.0	RI70-19.
	do	31	3	do	----------	6-12-72	7-13-72	[3] Accepted			
	do		4	do	2,248	6-12-72	----------	12-13-72	15.0	[5] 22.0 [5] 28.0	RI70-19.
	do	32	8	do	----------	6-12-72	7-13-72	[3] Accepted			
	do		9	do	16,723	6-12-72	----------	12-13-72	15.0	[5] 22.0 [5] 28.0	RI70-19.
	do	33	7	do	----------	6-12-72	7-13-72	[3] Accepted			
	do		8	do	7,734	6-12-72	----------	12-13-72	15.0	[5] 22.0 [5] 28.0	RI70-19.
	do	36	6	do	----------	6-12-72	7-13-72	[3] Accepted			
	do		7	do	20,067	6-12-72	----------	12-13-72	15.0	[5] 22.0 [5] 28.0	RI70-19.
	do	38	6	do	----------	6-12-72	7-13-72	[3] Accepted			
	do		7	do	20,067	6-12-72	----------	12-13-72	15.0	[5] 22.0 [5] 28.0	RI70-19.
	do	40	5	El Paso Natural Gas Co. (San Juan Basin Area).	----------	6-13-72	7-14-72	[3] Accepted			
	do		6	do	28,800	6-13-72	----------	12-14-72	14.0	[5] 22.0 [5] 28.0	RI70-19.
RI72-281	Gulf Oil Corp	197	[4] 1-18	Transwestern Pipeline Co. (Puckett-Devonian Field, Pecos County, Tex., Permian Basin).	----------	6-13-72	7-14-72	[3] Accepted	[10]	[10]	RI72-28.
	do		20	do	107,280	5-23-72	----------	12-10-72	[10] 20.9580	[4] [10] 24.5580	RI72-261.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-282	Kimbell, Inc	4	[6]2	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex., Permian Basin).	----------	6-9-72	7-10-72	[8] Accepted	([10])	([10])	
	do		[6]3	do		6-9-72	7-10-72	[8] Accepted	([10])	([10])	
	do		4	do	675	6-9-72	----------	8-10-72	[10] 10.0	[10] 19.0	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Applicable to acreage added by Supplements Nos. 10 and 11.
[2] Production from wells completed prior to June 1, 1970.
[3] Production from wells completed on or subsequent to June 1, 1970 (No sales at present).
[4] Contract agreement.
[6] 24.5 cents base rate plus tax reimbursement less downward B.t.u. adjustment.
[7] Contract agreement dated Oct. 26, 1959.
[7] Exclusive of quality adjustments.
[8] Contract agreement dated July 29, 1969.
[9] Accepted to be effective on the dates shown in the "Effective Date" column.
[10] The pressure base is 14.65 p.s.i.a.

The proposed increases exceed the price level for a 1-day suspension and therefore are suspended for 5 months.[1]

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 No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a nautral gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423, the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate, and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-12033 Filed 8-4-72;8:45 am]

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.

Proposed 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
Roanoke, Va.	The Roanoke Times	Do.
Richmond, Va.	The Richmond News Leader.	Do.
Newport News, Va.	The Daily Press, Inc.	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 United Virginia Bankshares Inc.; and such other activities as may be incidental to the business of a mortgage corporation. Applicant states that it would also engage, de novo, in acting as agent for the sale of credit life, credit disability, and mortgage redemption insurance in connection with such loans. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1972.

Board of Governors of the Federal Reserve System, July 31, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-12274 Filed 8-4-72;8:47 am]

FEDERAL TRADE COMMISSION

CERTAIN TRADERS SERVING NAVAJO AND HOPI INDIAN RESERVATIONS

Resolution Directing Use of Compulsory Process in Public Investigation

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, including, but 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 I of the

[1] Kimbell's proposed rate does not exceed the ceiling for a 1-day suspension and, as a result, the suspension period is limited to 1 day.

Consumer Credit Protection Act of 1968), including, but not limited to, furnishing of consumer credit, furnishing notice of the right to rescind and furnishing disclosures prior to consummation of the transaction.

Public investigational hearings shall be held to obtain facts for consideration in connection with possible rule making proceedings or other Commission action.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation.

Authority to conduct investigation: sections 6, 9, and 10 of the Federal Trade Commission Act, 15 U.S.C. 46, 49, 50; FTC procedures and rules of practice, 16 CFR 1.1, et seq. and supplements thereto; § 226.6(i) of Regulation Z, 12 CFR 226.6(i).

By direction of the Commission dated June 12, 1972.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.72-12416 Filed 8-4-72;9:23 am]

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 noncompliance 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. 3063 000, Peerless Eagle Coal Co., Mine No. 1, USBM 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 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 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. 11296, 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 Correspondence Control Officer, Interim Compliance Panel, Eighth Floor, 1730 K Street NW., Washington, DC 20006.

AUGUST 1, 1972.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.72-12256 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 92-209 (85 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;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3199]

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)(2) 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. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated in the State of Indiana on May 24, 1972, as the wholly owned subsidiary of a predecessor company of the same name (the Predecessor). On June 30, 1972, the Predecessor was merged into the Applicant pursuant to the laws of the State of Indiana and thereupon Applicant succeeded by operation of law to the business and assets of the Predecessor.

Applicant represents that the Predecessor had, as of March 31, 1972, total assets, based on cost, of $5,068,548, of which $165,853 consisted of cash, notes, and accounts receivable and other current assets. Of the remaining $4,902,695 of total assets, Applicant represents that $2,640,354 or 53 percent is attributable to its investment in American National Bank (Bank), $2,259,803 or 46 percent is attributable to its investments in wholly owned subsidiaries, and $2,538 or less than 1 percent in miscellaneous equipment. The application indicates that, if fair market value was used in determining the value of the bank stock rather than cost, the value of Applicant's investment in its wholly owned subsidiaries would comprise an even higher portion of its total assets.

Section 3(a)(1) of the Act defines as an investment company a company which is or holds itself out as being engaged primarily, 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 is engaged or proposes to engage 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 unconsolidated 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 $2,640,354 or 53 percent 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 acquisition of a controlling interest (now 43 percent) interest in the Bank.

The application states that at all times since December 1965 the Predecessor had owned not less than 41.4 percent 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 additional 6.81 percent of such shares. The application further points out that five of the Bank's 13 directors are also directors of the Applicant, that four of the Applicant's directors are members and constitute the majority of the executive committee of 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 that 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 business activities, other than the Bank, 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 engagement in the banking business 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 an investment company since it is not and does not hold itself out as being engaged 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 does state 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 in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–12282 Filed 8–4–72;8:48 am]

[File No. 812–3132]

BCC INDUSTRIES, INC., ET AL.

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

JULY 28, 1972.

In the matter of BCC Industries, Inc., 911 Investment Plaza, Cleveland, Ohio 44114, and Space Ordnance Systems, Inc., 25977 Sand Canyon Road, Saugus, CA 19350, and Research Industries Incorporated, 123 North Pitt Street, Alexandria, VA 22314, (File No. 812–3132), Investment Company Act of 1940.

Notice is hereby given that BCC Industries, Inc. (BBC3, a closed end, nondiversified, 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. Applicants request 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 extension until October 1, 1972, of the period during which Research is to be entitled to exercise an option heretofore granted by BCC to Research and more fully described below, and (2) the proposed exercise by Research of the option, as proposed to be extended, and the proposed acquisition by Research from BBC of the securities subject to such option. The application also requests an order granting said application pursuant to section 17(d) of the Act and Rule 17d–1 thereunder with respect to the proposed participation of Research with BCC in the transactions proposed.

The option (Option) which is proposed to be extended and, as extended, exercised by Research for the purpose of its proposed acquisition of the securities subject thereto, entitles Research until June 2, 1972, to purchase from BCC up to one-half (or 605,180 shares) of BCC's holdings of Space common stock at a price of $1 a share or a total of $605,180. Such Option also provides that if Research exercises the Option to purchase one-half of BCC's holdings of Space common stock or 605,180 shares, BCC 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 $4 a share and 12,500 shares of Space common stock at $8 a share (such number of Warrants representing one-half of BCC's holdings thereof).

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

SPACE

Space, a California corporation, is primarily engaged in the design, development, manufacture, and sale of explosives components and assembles for use in space vehicles, vessels, and aircraft and in connection with rocket motor ignition, missile stage, and reentry heat shield separation, recovery parachute development, and aircraft escape systems.

Space had outstanding at March 31, 1972, 1,695,232 shares of common stock. At the same date, Space had outstanding Warrants to purchase 175,000 shares of Space common stock. Such Warrants are exercisable at any time on or before April 1, 1975, at a price of $4 a share as to 150,000 shares and at a price of $8 a share as to 25,000 shares. At March 31, 1972, Space also had outstanding qualified stock options entitling the grantees to purchase a total of 136,908 shares of Space common stock at prices ranging from $.9375 to $4.75 a share. Options outstanding for 47,227 shares of Space common stock at March 31, 1972, were exercisable at that date, and at such date 480,056 shares of Space common stock were reserved for issuance in connection with stock options and Warrants.

RELATIONSHIPS AND BACKGROUND

At March 31, 1972, BCC owned 1,210,360 shares (or 71.4 percent) of the outstanding common stock of Space and all of the outstanding Warrants of Space. At the same date BCC also owned $267,975 principal amount of Space 7 percent subordinated notes, due April 1, 1974, and $200,000 principal amount of Space 7 percent subordinated notes, due April 1, 1975.

At March 31, 1972, Research owned 175,000 shares (or 10.3 percent) of the outstanding common stock of Space.

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, among other things, for the refinancing of Space (Refinancing Agreements). The terms of such Refinancing Agreements provided, in part, that BCC would exchange certain notes of Space for additional 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 make its initial investment in Space; and that BCC would grant to Research an option, more fully described above, to purchase from BCC a portion of its holdings of securities 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 manufacture of medical equipment 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 by BCC, and the purchase by Research and Space, of BCC's entire investment in Space, including the securities covered by the Option previously granted by BCC to Research in 1969. The consideration which was to be received by BCC consisted of cash, a note of Research and a note of Space. Under the terms of this agreement between BCC and Research (Purchase Agreement), Research agreed 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 87,500 shares of Space Common Stock for additional specified consideration.

The Purchase agreement provided, in pertinent part, (a) that it was subject to termination on or after May 1, 1972, by any party not then in breach if by that date the Commission had not granted the relief to be requested, and (b) that the exercise period of the Option shall be extended until 60 days from the date of any such termination.

On April 26, 1972, during the pendency of the proceeding before this Commission relating to BCC's proposal to dispose of its entire investment in Space, the parties amended the Purchase Agreement so as to permit its termination on or after August 1, 1972, by any party not then in breach if by that date the Commission had not issued the requested relief. Thus, provision was made for extending the exercise date until October 1, 1972, in the event that the amended Purchase Agreement was terminated pursuant to its terms and at the earliest permissible time (August 1, 1972). On June 29, 1972, while BCC's proposal to dispose of its entire interest in Space was still pending, Research sent a telegram to BCC stating that it was exercising the Option.

The application, as amended, states that on July 6, 1972, all the parties involved in the transaction whereby BCC was to dispose of its entire investment in Space, including BCC and Research, agreed in writing to terminate their obligations under the various agreements, except as noted below.

THE PROPOSED TRANACTIONS

In the agreement referred to in the previous paragraph, BCC and Research agreed to extend the period during which the Option may be exercised up to and including October 1, 1972.

It is now proposed that the exercise date of the Option be extended to October 1, 1972, as noted above; that Research exercise the Option with respect to all of the securities of Space which are subject to such Option; and that Research acquire all of such securities of Space. Research proposes to pay the full exercise price of $605,180 in cash within 10 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 1972 and the second quarter of 1972 through June 30, 1972, is as follows: First quarter 1972—bid: High—4⅝; low—2⅞; asked: High—4¾, low—3¼; second quarter 1972 (through June 30, 1972)—bid: High—4, low—2⅞; asked: High—4⅜, low—3⅛.

The consolidated net income of Space for the fiscal years ended March 31, 1971, and 1972, was equal to $0.29 and $0.41 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, 1,653,736 shares; 1972, 1,707,426 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 any security or other property. However, the Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) after finding that the terms of a proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide 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 participate in, or to effect 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 company, is a participant unless an application regarding such arrangement has been granted by the Commission. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policy, and purposes of the Act and 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 contract shall be exempt from section 17(a) of the Act if at the time it is made and for a period of at least 6 months prior thereto no affiliation or other relationship existed which would operate to make such contract or the subsequent performance thereof subject to the provisions of section 17(a), the application shows that no such affiliation or relationship existed up to or at the time (April 21, 1969) BCC contracted to grant the Option to Research.

The application also states that no officer, director, employee, or stockholder of BCC has any such relationship to or any financial interest in Research and no officer, director, employee, or stockholder of Research has any such relationship to or any 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 if 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 the market quotations on the common stock of Space are not believed to be indicative of the value of BCC's holdings of Space common stock, 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

are consistent with the investment policy of BCC and with the general purposes of the Act. The application also states that the proposed transactions do not involve participation by BCC therein on a basis less advantageous than that of other participants.

Notice is further given that any interested person may, not later than August 22, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interests, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT, *Secretary.*

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

[File No. 500-1]

DUESENBERG 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 Duesenberg 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 be summarily suspended, this order 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.72-12285 Filed 8-4-72;8:48 am]

[70-5225]

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), 1 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, commencing August 31, 1972, its unsecured promissory 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:

First National City Bank, New York, N.Y.	$18,500,000
Manufacturers Hanover Trust Co., New York, N.Y.	18,500,000
National Bank of Detroit, Michigan	10,500,000
The Detroit Bank & Trust Co., Michigan	9,800,000
Manufacturers National Bank of Detroit, Michigan	7,000,000
First Wisconsin National Bank of Milwaukee, Wisconsin	4,500,000
Marshall & Ilsley Bank, Milwaukee, Wisconsin	4,200,000
Marine National Exchange Bank, Milwaukee, Wisconsin	2,000,000
Total	$75,000,000

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.

Michigan Wisconsin proposes to use the proceeds from the sale of the proposed notes to retire an estimated $30 million of outstanding notes maturing August 31, 1972, issued to banks under its current line of credit (Holding Company Act Release No. 17208, July 30, 1971); 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 to retire the proposed notes will ultimately be obtained from additional long-term financing and funds generated internally. Michigan Wisconsin also intends to make additional borrowings from banks on 9-month notes, 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 rescheduled for September and October 1972, respectively.

The fees and expenses incident to the proposed transactions are estimated at $3,000, 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.

Notice is further given that any interested person may, not later than August 18, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-12284 Filed 8-4-72;8:48 am]

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

Notice is hereby given that Greater Philadelphia Venture Capital Corporation, Inc., of Philadelphia, Pa. (Venture), a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. sec. 661 et seq.) (Act), has filed an application pursuant to § 107.-1004(b) of the Small Business Investment Company regulations (13 CFR 107.1004 (1972)) with the Small Business Administration (SBA) for an exemption under the conflict-of-interest provision of the Act.

The Plan. Venture will invest between $100-$125,000 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, 1441 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.

Dated: July 27, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

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

TARIFF COMMISSION

[332-68]

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 study 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. 20436.

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 c.i.f. standard, 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 upon the assumed continuation of the current rates of duty.

Date and place of hearings. The hearings in Washington, D.C., will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC., beginning at 10 a.m., e.d.t., on September 11, 1972. The hearings in San Francisco, Calif., will be held beginning at 10 a.m. P.d.t., on September 19, 1972, and those in New Orleans, La., beginning at 10 a.m., c.d.t., on Septem-25, 1972; a further public notice will be issued at an early date giving the location of the hearings in those cities.

Entry of appearances. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least by September 5, 1972. The notification should indicate the name, address, telephone number, and organization of the person filing the request; the name and organization of the witnesses who will testify; the location (Washington, D.C., San Francisco, Calif., or New Orleans, La.) at which testimony will be given; and an estimate of the aggregate time desired for presentation of oral testimony by all witnesses who will testify.

Allotment of time. Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. In this connection, experience in similar 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."

Notification of appearance. 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. Questioning 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; and
For those in New Orleans, La., September 19, 1972.

2. Witnesses may supplement their oral testimony by written statements of any desired length submitted 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. Business 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.

[FR Doc.72-12253 Filed 8-4-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 46]

ASSIGNMENT OF HEARINGS

AUGUST 2, 1972.

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

MC-30319 Sub 24 and 25, Southern Pacific Transport Company of Texas and Louisiana, now being assigned hearing September 25, 1972 (3 days), at Austin, Tex., in a hearing room later to be designated.

MC-2202 Sub 396, Roadway Express, Inc., now assigned August 7, 1972, at Baton Rouge, La., is postponed indefinitely.

AB 5, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor; abandonment between Lamar and Otsego, in Allegan and Kent Counties, Mich., now being assigned hearing September 28, 1972 (2 days), at Kalamazoo, Mich., in a hearing room to be later designated.

MC 107295 Sub 560, Pre-Fab Transit Co., now being assigned September 25, 1972 (1 day), MC-F-11495, Arrow Motor Freight Line, Inc.—Control and merger—Rite Trucking Co., Inc., now being assigned September 26, 1972 (2 days), MC 123048 Sub 209. Diamond Transportation System, Inc., now being assigned September 28, 1972 (1 day), MC 74321 Sub 56, B. F. Walker, Inc., now being assigned September 29, 1972 (1 day), MC 95084 Sub 88, Hove Truck Line, now being assigned October 2, 1972 (2 days), at Chicago, Ill., in hearing rooms to be later designated.

AB 18 Sub 1, Chesapeake & Ohio Railway Co.; abandonment between Edmore and Remus, in Montcalm, Isabella, and Mecosta Counties, Mich., now being assigned October 5, 1972 (2 days), in a hearing room to be later designated, at Big Rapids, Mich.

MC-C-7796, C. A. White Trucking Co. and McAlister Trucking Co., investigation and revocation of certificates, MC 23618 Sub 18, McAlister Trucking Co., and MC 60157 Sub 18, C. A. White Trucking Co., now being assigned hearing September 28, 1972 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 128196 Sub 7, Karl Arthur Weber, now being assigned hearing October 2, 1972 (2 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC 117940 Sub 76, Nationwide Carriers, Inc., application dismissed.

MC 115162 Sub 212, Poole Truck Line, Inc., now assigned August 14, 1972, at New Orleans, La., hearing is postponed indefinitely.

FF-379 Sub 1, Sierra-Pacific Freight Forwarding, Inc., now being assigned hearing October 4, 1972 (3 days), at Reno, Nev., in a hearing room to be later designated.

MC 125433 Sub 30, F-B Truck Line Co., now being assigned hearing October 10, 1972 (4 days), at Denver, Colo., in a hearing room to be later designated.

MC-C-7829, Arrow Stage Lines, Inc.—Investigation and revocation of certificates, now being assigned October 3, 1972 (2 days), at Lincoln, Nebr., in a hearing room to be later designated.

MC-F-11421, Baker Truck Service, Inc.—Purchase—Pacific Western Transport, Inc. (Philip J. Thompson, receiver), now assigned August 9, 1972, at Spokane, Wash.; hearing will be held in Room 752, U.S. Courthouse, West 920 Riverside Street, Spokane, Wash.

MC 124692 Sub 84, Sammons Trucking, now assigned August 7, 1972, at Missoula, Mont.; hearing will be held in the U.S. Post Office Building, East Broadway and Pattee Street, Missoula, MT.

MC 109294 Sub 18, Commercial Truck Co., Ltd., now assigned August 8, 1972, at Olympia, Wash.; canceled and transferred to modified procedure.

MC 117574 Sub 215, Daily Express, Inc., now assigned September 7, 1972, at Washington, D.C., canceled; transferred to modified procedure.

MC 113861 Sub 51, Wooten Transports, Inc., Extension, is continued to September 7, 1972 (2 days), in Room 914, Federal Office Building, 167 North Main Street, Memphis, TN.

MC 98964 Sub 10, Palmer Brothers, Inc., now assigned September 19, 1972, at Salt Lake City, Utah, postponed indefinitely.

MC 77972 Sub 19, Merchants Truck Line, Inc., now assigned August 21, 1972, at Jackson, Miss., is postponed indefinitely.

MC 128273 Sub 105, Midwestern Express, Inc., now being assigned September 6, 1972 (1 day), MC 3062 Sub 33, L. A. Tucker Truck Lines, Inc., now being assigned September 11, 1972 (1 week), at Memphis, Tenn., in hearing rooms to be later designated.

MCC 7700, East Texas Motor Freight Lines, Inc.—Investigation and revocation of certificates, now assigned August 17, 1972 (2 days), MC 32882 Sub 66, Mitchell Bros. Trick Lines, now assigned August 28, 1972 (1 week), MC 135461 Sub 2, now assigned August 15, 1972 (2 days); hearings will be held in Room 401, Multnomah Building, 319 Southwest Pine Street, Portland, OR.

MC 128527 Sub 22, and Sub 24, May Trucking Co., now assigned August 21, 1972, at Boise, Idaho; hearing will be held in Room 420, State Capitol Building, Boise, Idaho.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12279 Filed 8-4-72;8:48 am]

[Notice 100]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-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 Train, Dansville, N.Y., of the operating rights in Certificates No. 105172, 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, 1950, 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 Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Maine, New Hampshire, Vermont, and Rhode Island. Raymond A. Richards, 23 West Main St., Webster, NY 14580, representative for applicants.

No. MC-FC-73796. By order of July 13, 1972, the Motor Carrier Board approved the transfer to 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, Kans., and those 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-73829. By order entered July 17, 1972, the Motor Carrier Board approved the transfer to S. S. Motor Service Corp., Cicero, Ill., of the operating rights set forth in Certificate of Registration No. MC-121266 (Sub-No. 1), issued January 29, 1964, to Sam Scarlato, doing business as S. S. Motor Service, Cicero, Ill., authorizing operations in interstate commerce corresponding in scope to Certificate of Public Convenience and Necessity No. 11402MC, dated October 29, 1959, issued by the Illinois Commerce Commission. Philip M. Bloom, 1 North LaSalle, Chicago, IL 60602, attorney for applicants.

No. MC-FC-73834. By order of July 13, 1972, the Motor Carrier Board approved the transfer to Converters Carrier Corp., Garnerville, N.Y., of the operating rights in Permit No. MC-133794 (Sub-No. 3) issued June 2, 1972, to Converters Transportation, Inc., Garnerville, N.Y., authorizing the transportation of piece goods, between the facilities of Hull Dye & Print Works, Inc., at West Haven, Conn., on the one hand, and, on the other, points in Rockland, Westchester, New York, Bronx, Kings, Queens, and Richmond Counties, N.Y., and Bergen,

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-12753, 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. OSWALD, *Secretary.*

[FR Doc.72-12280 Filed 8-4-72;8:48 am]

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.

3 CFR

	Page
PROCLAMATIONS:	
2914 (see EO 11677)	15483
4074 (see EO 11677)	15483
4145	15853
EXECUTIVE ORDERS:	
11322 (see EO 11677)	15483
11419 (see EO 11677)	15483
11533 (see EO 11677)	15483
11677	15483

5 CFR

213	15365, 15501, 15855

6 CFR

200	15516
300	15366, 15429
PROPOSED RULES:	
300	15523

7 CFR

29	15501
908	15501
910	15366, 15855
911	15366
927	15855
931	15366
1030	15368
1464	15856
1861	15502
PROPOSED RULES:	
55	15517
911	15707
926	15380
944	15874
1079	15380
1108	15874
1207	15380, 15381

8 CFR

212	15419
238	15419
242	15419

9 CFR

76	15419, 15420
82	15511
308	15368

9 CFR—Continued

	Page
309	15368
310	15368
318	15368
325	15368
327	15368
331	15368

10 CFR

9	15624

12 CFR

220	15378, 15421
545	15379
PROPOSED RULES:	
226	15522

14 CFR

39	15369, 15421, 15423, 15512, 15697
43	15698
61	15698
71	15370, 15423, 15424, 15512, 15513, 15698, 15857
73	15857
91	15698
97	15698
135	15698
212	15424
214	15424
217	15513
241	15425
372	15425
PROPOSED RULES:	
39	15434
61	15435
63	15435
71	15383-15385, 15435, 15436
75	15708
91	15435, 15436
121	15435
123	15435
127	15435
135	15435
141	15435
Ch. II	15518
288	15711
399	15711

15 CFR

	Page
387 (see EO 11677)	15483

16 CFR

240	15699

18 CFR

2	15857
260	15425
PROPOSED RULES:	
Ch. I	15710

19 CFR

153	15700
PROPOSED RULES:	
10	15707, 15872

21 CFR

3	15858
121	15426, 15859
135e	15701
149h	15701
PROPOSED RULES:	
19	15875
121	15434

22 CFR

9	15624
41	15372

23 CFR

PROPOSED RULES:	
Ch. II	15602

24 CFR

203	15426
207	15426
220	15426
270	15701
271	15704
275	15427
1914	15427
1915	15428
1930	15706
PROPOSED RULES:	
203	15383

26 CFR

1	15485

LIST OF FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*
15361–15412	Aug. 1
15413–15475	2
15477–15689	3
15691–15846	4
15847–15904	5