federal register

SATURDAY, AUGUST 19, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 162

Pages 16781–16850

PART I

(Part II begins on page 16843)

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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.

5 CFR

930 ---- 16787

7 CFR

701 ---- 16787
908 ---- 16787
910 ---- 16787
PROPOSED RULES:
912 ---- 16805
932 ---- 16806

9 CFR

83 ---- 16788

13 CFR

107 ---- 16789

14 CFR

21 ---- 16789
39 ---- 16789
71 (3 documents) ---- 16790
73 ---- 16791
PROPOSED RULES:
71 (7 documents) ---- 16810–16812
73 ---- 16812

17 CFR

200 ---- 16791

18 CFR

104 ---- 16797
105 ---- 16797
204 ---- 16797
205 ---- 16798
260 ---- 16798
PROPOSED RULES:
101 ---- 16813
104 ---- 16813
141 ---- 16813
201 ---- 16813
204 ---- 16813
260 ---- 16813

21 CFR

121 (2 documents) ---- 16798

24 CFR

300 ---- 16799
PROPOSED RULES:
207 ---- 16809
213 ---- 16809
220 ---- 16809
221 ---- 16809
227 ---- 16809
231 ---- 16809
232 ---- 16809
234 ---- 16809
235 ---- 16809
236 ---- 16809
241 ---- 16809
242 ---- 16809
244 ---- 16809

29 CFR

462 ---- 16799
PROPOSED RULES:
5 ---- 16814
10 ---- 16814
103 ---- 16813

32 CFR

1710 ---- 16800

39 CFR

761 ---- 16801

40 CFR

180 ---- 16803
PROPOSED RULES:
180 ---- 16812

45 CFR

909 ---- 16844

46 CFR

56 ---- 16803

47 CFR

PROPOSED RULES:
73 ---- 16812

49 CFR

571 ---- 16803

50 CFR

PROPOSED RULES:
242 ---- 16806
261 ---- 16808
263 ---- 16808
266 ---- 16808
276 ---- 16808
277 ---- 16808
279 ---- 16808

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Subpart B—Appointment, Pay, and Removal of Hearing Examiners

CHANGE OF TITLE TO ADMINISTRATIVE LAW JUDGE

Notice is hereby given that the title hearing examiner as used in Subpart B—Appointment, Pay, and Removal of Hearing Examiners of Part 930 of Title 5 of the Code of Federal Regulations is hereby changed to Administrative Law Judge.

Effective on publication in the FEDERAL REGISTER (8–17–72).

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

[FR Doc.72–14069 Filed 8–18–72;8:48 am]

Title 7—AGRICULTURE

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 2]

PART 701—NATIONAL RURAL ENVIRONMENTAL ASSISTANCE PROGRAM FOR 1971 AND SUBSEQUENT YEARS

Emergency Conservation Measures

This amendment is issued pursuant to the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 85–58. The purpose of the amendment is to increase to $5,000 the amount of cost-shares which the county committees may approve for emergency conservation measures.

Part 701 is amended by revising § 701.76(d)(4) to read as follows:

§ 701.76 Practices to meet special county conservation needs.

* * * * *

(d) *Practice F–4: Emergency conservation measures to restore to productive use, land damaged by natural disasters.* * * *

(4) The cost-share computed for any person for this practice shall not be increased in accordance with § 701.45, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum cost-share limitation in § 701.46. The total of all cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $5,000, except that, with the written prior approval of the State committee or the Deputy Administrator, as applicable, a higher maximum may be approved in individual cases upon justification by the person of exceptional financial need and his inability to otherwise carry out the work. In accordance with the preceding sentence, the State committee may authorize a maximum not in excess of $10,000, and the Deputy Administrator may authorize a maximum in excess of $10,000.

(Sec. 4, 49 Stat. 164, 16 U.S.C. 590d; 71 Stat. 176)

Effective date. The foregoing amendment is designed to expedite the granting of emergency assistance to farmers whose farmland suffered severe damage as the result of Hurricane Agnes and accompanying storms. It is therefore essential that the amendment be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (8–19–72).

Signed at Washington, D.C., on August 14, 1972.

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

[FR Doc.72–14053 Filed 8–18–72;8:48 am]

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

[Valencia Orange Regulation 404, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, 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 recommendation and information submitted by the Valencia Orange 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 Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 908.704 (Valencia Orange Regulation 404, 37 F.R. 16090) during the period August 11 through August 17, 1972, are hereby amended to read as follows:

§ 908.704 Valencia Orange Regulation 404.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 333,000 cartons;

(ii) District 2: 347,000 cartons;

* * * * *

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

Dated: August 16, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–14124 Filed 8–18–72;8:50 am]

[Lemon Reg. 547]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.847 Lemon Regulation 547.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (Part 910 of this title; 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 15, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 20 through August 26, 1972, is hereby fixed at 250,000 cartons.

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

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

Dated: August 16, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-14158 Filed 8-18-72;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

PART 83—SCREWWORMS

Interstate Movement of Livestock

Pursuant to sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 1 through 4 of the Act of March 3, 1905, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 83, Title 9, Code of Federal Regulations, is amended in the following respects:

In § 83.6, paragraphs (a) and (b) are amended to read:

§ 83.6 Interstate movement of livestock from areas of recurring infestation.

* * * * *

(a) Livestock may be moved interstate into any State except those in the controlled zone if inspected by a State or Federal inspector or veterinarian or an accredited veterinarian and accompanied by his certification that either (1) such livestock were inspected by him within the 72 hours preceding such movement and were found to be free of screwworm infestation and free of open wounds,[1] or (2) such livestock were so inspected and found free of screwworm infestation but were found to have open wounds[1] which in his judgment could be adequately treated to eliminate any risk of screwworm infestation of the livestock, and that all such wounds on each individual animal have been treated in the manner required by him with a permitted pesticide as specified in § 83.8: *Provided*, That, if, in any lot of livestock offered for inspection under this paragraph, any animal is found to be infested with screwworms, such animal shall not be moved interstate until freed therefrom and all the animals in the lot may be moved interstate only if, at the point of origin of the interstate movement, they have been sprayed with or dipped in a permitted pesticide as provided in § 83.8.

(b) Livestock may be moved interstate into any State in the controlled zone if inspected by a State or Federal inspector or an accredited veterinarian and accompanied by his certification that such livestock were inspected by him within the 72 hours preceding such movement and were found to be free of screwworm infestation and if, at the point of origin of the interstate movement, they have been sprayed with or dipped in a permitted pesticide as provided in § 83.8.

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

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

The amendments provide for the interstate movement of livestock with any open wounds (minor or not) into any area except the controlled zone when such livestock have been inspected and certified free of screwworm infestation and all wounds found on inspection of such livestock have been individually treated with a permitted precautionary pesticide. To this extent the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of screwworms and must be made effective promptly to be of maximum benefit to affected persons. The amendments also clarify the requirements for interstate shipment of livestock in a lot containing any animal infested with screwworms and for interstate shipment into the controlled zone. Insofar as the amendments impose more stringent requirements than heretofore applied, they are necessary to prevent the spread of such infestation.

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

Done at Washington, D.C., this 11th day of August 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-14054 Filed 8-18-72;8:46 am]

[1] Open wounds are those wounds or conditions which are prone to attract screwworm infestation and include castration and/or docking wounds, wounds caused by dehorning, navel wounds of livestock less than 1 week of age, epithelioma of the eye (cancer eye); or any other wound, injury, or condition which in the opinion of the certifying officer may harbor screwworm larvae not visible on inspection.

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4, Amdt. 11]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Prohibited Uses of Funds; Expansion of Investment Opportunities

On June 21, 1972, the Small Business Administration (SBA) published in the FEDERAL REGISTER (37 F.R. 12244) a proposed amendment to 13 CFR Part 107 which would amend § 107.1001 to permit small business investment companies (SBIC's) and minority enterprise small business investment companies (MESBIC's) to invest, with certain exceptions and to a limited extent, in new finance and insurance small business concerns owned by socially or economically disadvantaged persons.

Interested persons were invited to submit written comments and suggestions for consideration within thirty (30) days from the date of publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, it has been decided to adopt the proposed amendment of § 107.1001. The text of the amendment set out below is identical with that of the proposed amendment published June 21, 1972.

Pursuant to authority contained in section 308(c) of the Small Business Investment Act of 1958, as amended (act), 72 Stat. 694, as amended, 15 U.S.C. 687(c), Part 107 of Chapter I of Title 13 of the Code of Federal Regulations (revised as of January 1, 1972), as amended in 37 F.R. 3950, 8865, and 15145, is hereby further amended by amending the opening words and paragraph (a) of § 107.1001 to read as follows:

§ 107.1001 Prohibited uses of funds.

No funds may be provided by a licensee for:

(a) *Relending, reinvesting, etc.* Relending or reinvesting by the small business concern, nor may funds be provided to a small business concern if the business activity of such concern involves directly or indirectly the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation, purchase or discounting of debt obligations, factoring, or long-term leasing of equipment with no provision for maintenance or repair: *Provided, however,* That, except for commercial banks, savings banks, agricultural credit companies, and savings and loan associations not insured by the Federal Savings and Loan Insurance Corporation, the foregoing prohibition shall not apply to Venture Capital financings (as defined in § 107.3) made to any small business concern, organized less than five (5) years before the date of financing, which is owned, or will be owned in accordance with § 107.812, by individuals whose participation in the free enterprise system is hampered by social or economic disadvantages: *And provided, further,* That, notwithstanding any other provision of these regulations, a licensee's outstanding financings to such small business concern(s) pursuant to the authorization of the foregoing proviso may not, without prior SBA approval in writing, exceed its private paid capital and paid-in surplus as of the close of any full fiscal year.[1]

* * * * *

Dated: August 14, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-14070 Filed 8-18-72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10492; Amdt. SFAR 26-2, Reg. 26]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances

The purpose of this amendment is to continue in effect the provisions of currently effective Special Federal Aviation Regulation No. 26 (SFAR 26), as amended by Amendment SFAR 26-1, until January 1, 1973.

SFAR 26 provides for approvals, on a selective basis, of aircraft engines, propellers, materials, parts, and appliances manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. The originally established termination date of March 1, 1972, for SFAR 26 was extended by Amendment SFAR 26-1 to September 1, 1972.

At the present time, the United States is continuing to negotiate amendments to the bilateral agreements with a number of foreign countries. However, the FAA is advised that most of the negotiations will not be concluded by the September 1, 1972, termination date of SFAR 26. The reasons which justified the adoption of SFAR 26 still exist, and, in view of the pending negotiations, the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from September 1, 1972 to January 1, 1973.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, effective September 1, 1972, the last paragraph of Special Federal Aviation Regulation No. 26, published in the FEDERAL REGISTER (35 F.R. 12748) on August 12, 1970, as amended by Amendment SFAR 26-1, published in the FEDERAL REGISTER (37 F.R. 4325) on March 2, 1972, is amended by striking out the words "September 1, 1972" and inserting the words "January 1, 1973," in place thereof.

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

Issued in Washington, D.C., on August 10, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-14037 Filed 8-18-72;8:45 am]

[Docket No. 12157, Amdt. 39-1506]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Dart Models 506, 510, 511, 514, 515, 525 Through 529, 531, and 532 Engines

There have been reports of cracks and failures of fuel burner shroud nuts on Rolls Royce Dart engines that could cause severe damage to the engine turbine and nozzle box assembly that could result in a hazard to the continued safe operation of the engine. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require inspection of the nuts for failure, cracks, and hardness; replacement of fuel burner shroud assemblies found to have nuts that are failed, cracked, or have hardness exceeding a specified value; and inspection and repair as necessary, of engines containing cracked or failed nuts. The inspection is required at the next disassembly of the engine for cause except that engines that have been out of service for more than 6 months, unless stored in a moisture vaporproof bag for which the humidity indicator shows "SAFE," must be inspected before being returned to service.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

---

[1] 1940 act companies are reminded that subsections 12(d) (2) and (3) of that act impose additional restrictions on certain investments otherwise permitted by this § 107.1001(a).

ROLLS ROYCE (1971) LTD. Applies to Rolls Royce Dart Models 506, 510, 511, 514, 515, 525 through 529, 531, and 532 engines (all variants) not incorporating Rolls Royce Dart Modification 1625 or 1626 fuel burners.

Compliance is required as indicated.

To prevent stress corrosion cracking and failure of fuel burner shroud nuts accomplish the following:

(a) At the next disassembly of an engine for cause, after the effective date of this AD, unless already accomplished, comply with paragraph (c).

(b) For engines that have been out of service for more than 6 months, that are not stored in a moisture vaporproof bag for which the humidity indicator shows "SAFE," before returning such an engine to service after the effective date of this AD, unless already accomplished, comply with paragraph (c).

(c) Inspect the fuel burner shroud nuts, P/N RK14285, on each fuel burner shroud assembly, P/N RK14283A, in accordance with the following, as applicable:

(1) Visually inspect the fuel burner shroud nuts, P/N RK14285, for failure and cracks. If any fuel burner shroud nuts are found failed or cracked, before further flight—

(i) Replace each affected fuel burner shroud assembly, P/N RK14283A, with a serviceable assembly of the same part number or with an equivalent fuel burner shroud assembly that is approved for use in the engine; and

(ii) Visually inspect the turbine, combustion chamber, discharge nozzle, and H.P. nozzle guide vanes for evidence of overheating and foreign object damage. If overheating or damage is found that exceeds the limitations in the approved Rolls Royce maintenance manual for the engine, before further flight repair the engine in accordance with that manual.

(2) Visually inspect the fuel burner shroud nuts, P/N RK14285, for the symbol "H" engraved on a serration that is adjacent to a serration on which the symbol "C" is engraved. If any fuel burner shroud nuts, P/N RK14285, are found that are not so engraved, before further flight comply with subparagraph (c) (3) for those nuts.

(3) Inspect one serration of each subject fuel burner shroud nut, P/N RK14285, for hardness and comply with one of the following:

(i) If any fuel burner shroud nuts, P/N RK14285, are found that have hardness of 321 Brinel (10mm–3000KG) or more, before further flight replace each affected fuel burner shroud assembly, P/N RK14283A, with a serviceable assembly of the same part number or with an equivalent fuel burner shroud assembly that is approved for use in the engine.

(ii) For fuel burner shroud nuts, P/N RK14285, that are found to have hardness of less than 321 Brinel (10mm–3000KG), before further flight vibro engrave the symbol "H" on the serration that was inspected in accordance with this paragraph, unless already accomplished, and vibro engrave the symbol "C" on an adjacent serration. Fuel burner shroud assemblies, P/N RK14283A, containing fuel burner shroud nuts, P/N RK14285 so engraved, may be returned to service.

(Rolls Royce Dart Service Bulletin No. Da 73–68, dated October 1, 1971, covers this same subject.)

This amendment becomes effective August 24, 1972.

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

Issued in Washington, D.C., on August 11, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72–14038 Filed 8–18–72;8:45 am]

[Airspace Docket No. 72–CE–7]

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

Designation of Transition Area

On Page 6746 of the FEDERAL REGISTER dated April 4, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Moberly, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. No objections to the proposal have been received.

Subsequent to the issuance of this proposal the Federal Aviation Administration determined that a minor adjustment to the transition area designation is necessary to provide additional controlled airspace protection for aircraft executing a new approach procedure at Omar N. Bradley Airport.

Since this change is minor in nature and imposes no additional burden on any person, notice, and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth:

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

MOBERLY, MO.

That airspace extending upwards from 700 feet above the surface within a 6.5-statute-mile radius of the Omar N. Bradley Airport (latitude 39°27'50" N., longitude 92°25'35" W.); and 3 miles either side of the 317° bearing from the airport extending from the 6.5-mile radius to 8 miles northwest, and that airspace extending upward from 1200 feet above the surface 9.5 miles southwest and 5 miles northeast of the 317°/137° bearing from the airport extending from the airport to 18.5 miles northwest and 6.5 miles southeast; 6.5 miles west and 5 miles east of and parallel to the 350° radial of the Macon, Mo. VORTAC, extending from 11 miles south of the VORTAC to the 21-mile arc of the Kirksville, Mo. VORTAC facility.

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

Issued in Kansas City, Mo., on August 3, 1972.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.72–14039 Filed 8–18–72;8:45 am]

[Airspace Docket No. 72–PC–1]

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

Alteration of Control Zone

On June 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11591) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Molokai, Hawaii, control zone.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. There were no objections received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056) the Molokai, Hawaii, control zone is amended as follows: Delete all after the phrase "from the 5-mile radius zone" and substitute therefor "to 3½ miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Pacific chart supplement."

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 14, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.72–14040 Filed 8–18–72;8:45 am]

[Airspace Docket No. 72–SO–44]

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

Alteration of Federal Airway Segment and Revocation of Federal Airway

On June 29, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 12804) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate a segment of VOR Federal airway No. 11 and would revoke all of VOR Federal airway No. 242.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

Section 71.123 (37 F.R. 2009) is amended as follows:

1. In V–11 all before "From Memphis, Tenn.," is deleted and "V–11 From Brookley, Ala.; Greene County, Miss., including a west alternate from Brookley via Mobile, Ala., to Greene County; 28 miles 95 MSL Laurel, Miss., including an east alternate from the INT of Mobile 356° and Greene County 142° radials via the INT of Mobile 356° and Laurel 109° radials to Laurel; Jackson, Miss." is substituted therefor.

2. "V–242 From Mobile, Ala., Brookley, Ala." is deleted.

(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 14, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–14042 Filed 8–18–72;8:45 am]

[Airspace Docket No. 72–EA–85]

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redesignate the using agency of Restricted Area R–6606.

The U.S. Navy has requested the change in the using agency name for ease in scheduling.

Since this amendment is minor in nature and no substantive change is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

In § 73.66 (37 F.R. 2375), the Pendleton, Va., Restricted Area R–6606 is amended by deleting the present using agency and substituting therefor:

Using agency: Virginia Capes Operating Area Coordinator (VCOAC) COMNAVAIRLANT/COMFAIRNORFOLK, NAS Oceana, Virginia Beach, Va.

(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 14, 1972.

CHARLES H. NEWPOL.
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–14041 Filed 8–18–72;8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33–5289, etc.]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart A—Organization and Program Management

STRUCTURAL REORGANIZATION OF COMMISSION

In re: Creation of Division of Investment Company Regulation; transfer of certain functions from Division of Trading and Markets to Division of Investment Company Regulation; reorganization of Division of Trading and Markets into Division of Enforcement and Division of Market Regulation; transfer of certain functions from Division of Corporate Regulation to Division of Corporation Finance and Division of Investment Company Regulation; transfer of certain functions from Division of Corporation Finance and Division of Corporate Regulation to Division of Enforcement; Amendments of Subpart A, statement of organization, conduct and ethics, and information and requests. Release Nos. 33–5289, 34–9730, 35–17668, 39–315, IC–7322, IA–331.

The Securities and Exchange Commission has approved the first major reorganization in its structure since 1942. During that 30-year period massive changes have occurred in the nation's capital markets. The Commission's reorganization seeks to realign its resources and attention to today's securities markets and their problems. It will allow reallocation of resources to primary needs, provide a more efficient operating structure, highlight and pinpoint responsibility for urgent programs and give greater management responsibilities to many of the bright young people in the Commission. It is anticipated that this reorganization will provide the catalyst for reexamination of Commission goals and objectives and the application of new approaches to continuing problem areas.

The new structure falls along functional lines as contrasted with the prior organization alignment which was geared to administration of specific securities acts. The organization gives recognition to the three distinct Commission functions—disclosure, regulation, and enforcement—which were formerly commingled in each of the three operating divisions: Corporate Regulation, Trading and Markets, and Corporation Finance. All enforcement activities of the Commission will now be carried out by the Division of Enforcement. All disclosure through basic periodic report processing is now centered in the Division of Corporation Finance. The Commission's regulatory functions have been centered in three compact divisions: one dealing with capital markets and broker dealers (Division of Market Regulation); one with investment management activities under SEC jurisdiction (Division of Investment Company Regulation); and one with public utility and bankruptcy matters (Division of Corporate Regulation).

This alignment has the advantage of allowing specialization by function and establishes independent responsibilities for achieving the objectives of the securities laws by the three approaches of regulation, enforcement, and disclosure. It is the Commission's view that constructive regulation can and will be used to provide as much assistance and education as possible to the regulated industries so that they can, consistent with the statutes the SEC administers, continue to provide services and products beneficial to the investing public in the most worthwhile forms. Enforcement is brought to bear when there are violations of these statutes that are harmful to the public interest.

Centering the disclosure function in one division recognizes that particular operating techniques and management capabilities are necessary to provide both the administration of disclosure required by the various securities acts, and also to provide prompt handling of those disclosure filings—a necessity if our capital system is to function effectively.

As a direct fallout of these moves, the Commission anticipates that it will free a significant manpower pool, underutilized in the former structure, to be reallocated to major Commission activities, such as the Office of Chief Accountant, inspection and education of broker-dealers, investment companies and investment advisers, and a strengthened capability in the financial analysis activity of the Division of Corporation Finance.

Just as importantly there will be a strengthening of the regional office system to carry out the policies of the Commission throughout the United States. It is anticipated that the additional manpower will enhance substantially the Commission's inspection, education, and enforcement functions.

Since 1964, the Division of Corporate Regulation has been responsible for the administration of the disclosure requirements in registration statements filed by investment companies under the Securities Act of 1933 and the Investment Company Act of 1940 and in proxy statements filed by such companies under the Securities Exchange Act of 1934, for all matters pertaining to registered investment companies arising under the Trust Indenture Act of 1939, and, in addition, for the review of periodic reports filed with the Commission by registered investment companies and of reports transmitted to stockholders of such companies pursuant to sections 30(a) through 30(e) of the Investment Company Act of 1940. These activities have now been transferred to the Division of

Corporation Finance, thereby permitting a concentration in a single division of all the disclosure activities of the Commission. In addition, the Division of Corporate Regulation has been responsible for the administration of the regulatory provisions of the Investment Company Act, including matters involving the economics, distribution methods and services of investment companies. These activities have now been transferred to the newly created Division of Investment Company Regulation. Regulatory activities under the Investment Advisers Act, previously performed in the Division of Trading and Markets, have also been transferred to this new division. The Division of Corporate Regulation will continue its present functions under the Public Utility Holding Company Act of 1935 and the Bankruptcy Act.

Heretofore, the Division of Trading and Markets has been responsible to the Commission for the administration and enforcement of all matters relating to the regulation of exchanges, national securities associations, broker-dealers and investment advisers; the institution and conduct of proceedings to revoke or deny the registration of broker and dealers; the prevention of fraudulent trading practices and market manipulations; and the supervision of certain investigation and enforcement activities. The Divisions of Corporate Regulation and Corporation Finance have been responsible for the supervision of certain enforcement activities relating to the work of these respective divisions. Under the reorganization, the Division of Trading and Markets will cease to exist and its activities will be transferred to two new divisions, the Division of Enforcement and the Division of Market Regulation. The Division of Enforcement will assume the responsibility for all of the enforcement activities of the Commission under each of the Acts administered by it. In this connection, those enforcement activities which heretofore have been performed by the Division of Corporation Finance and Division of Corporate Regulation will be transferred to this new division. The Division of Market Regulation will perform the regulatory functions of the former Division of Trading and Markets as they related to the structure, operations, and efficiency of the securities markets and the financial responsibilities and professional services of brokers and dealers.

In connection with the reorganization and transfer of functions, Articles 30–1, 30–2, and 30–3 of Subpart A of the Commission's Statement of Organization, Conduct and Ethics, and Information and Requests (17 CFR 200.30–1, 200.30–2, and 200.30–3) have been amended in order to redelegate among the new and reorganized divisions the authority previously delegated to the three operating divisions prior to the reorganization; present Articles 30–4 and 30–5, 30–6, 30–7, and 30–8 (17 CFR 200.30–4, 200.30–5, 200.30–6, 200.30–7, and 200.30–8) have been redesignated as Articles 30–6 through 30–10 (17 CFR 200.30–6 through 200.30–10), respectively; and new Articles 30–4 and 30–5 (17 CFR 200.30–4 and 200.30–5) have been added.

Article 18 of Subpart A of the Commission's Statement of Organization, Conduct and Ethics, and Information and Requests (17 CFR 200.18) has been amended to describe the present functions of the Division of Corporation Finance. Article 19 of said Subpart A is revoked and new Articles 19a and 19b (17 CFR 200.19a, 200.19b) have been adopted to describe the functions of the new Division of Market Regulation and the new Division of Enforcement, respectively. Article 20 is redesignated as Article 20a (17 CFR 200.20a) and, as redesignated, is amended to describe the present functions of the Division of Corporate Regulation. A new Article 20b (17 CFR 200.20b) has been added to describe the functions of the new Division of Investment Company Regulation.

Commission action. Pursuant to authority in section 4 of the Securities Exchange Act of 1934, as amended, and Public Law 87–592, 76 Stat. 394 (15 U.S.C. 78d–1), the Securities and Exchange Commission hereby amends Subpart A of Part 200 of Title 17 of the Code of Federal Regulations by amending § 200.18; by revoking § 200.19 and adopting new §§ 200.19a and 200.19b; by revising § 200.20 and redesignating it as § 200.20a; by adopting new § 200.20b; by amending §§ 200.30–1, 200.30–2 and 200.30–3; by redesignating §§ 200.30–4 through 200.30–8 as §§ 200.30–6 through 200.30–10 respectively, and by adopting new §§ 200.30–4 and 200.30–5; all as set forth below:

§ 200.18 Director of the Division of Corporation Finance.

The Director of the Division of Corporation Finance is responsible to the Commission for the administration of all matters relating to establishing and requiring adherence to standards of economic and financial reporting and disclosure with respect to securities traded on national securities exchanges or required to be registered pursuant to section 12(g) of the Securities Exchange Act of 1934, or offered for public sale pursuant to registration or exemptive regulations; establishing and requiring adherence to standards of fair disclosure in the solicitation of proxies for election of directors and other corporate actions; and for the enforcement of the standards set forth in the Trust Indenture Act of 1939 regarding indentures covering debt securities. These duties shall include, with the exception of the enforcement and related activities under the jurisdiction of the Division of Enforcement, the responsibility to the Commission for the administration of disclosure and related requirements of the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the investigations and inspections arising in connection with such administration, as listed below:

(a) All matters under the Securities Act of 1933 (15 U.S.C. 77a, et seq.) arising from or pertaining to material filed pursuant to the requirements of that Act.

(b) All matters arising under the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) in connection with:

(1) The registration of securities pursuant to section 12 of the Act (15 U.S.C. 78*l*), including the exemption provisions of section 12(h) (15 U.S.C. 78*l*(h)).

(2) The examination and processing of periodic reports filed pursuant to sections 13 and 15(d) of the Act (15 U.S.C. 78m, 78o(d)).

(3) The examination and processing of proxy soliciting material filed pursuant to section 14(a) and information material filed pursuant to section 14(c) of the Act (15 U.S.C. 78n(a), 78n(c)).

(c) All matters relating to the examination and processing of statements of beneficial ownership of securities and changes in such ownership filed under section 16(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(a)), section 17(a) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79q(a)) and section 30(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–29(f)).

(d) The examination and processing of proxy and information material filed under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a, et seq.) and subject to Regulation 14A (§§ 240.14a–1 to 240.14a–12 of this chapter) or Regulation 14C (§§ 240.14c–1 to 240.14c–7 of this chapter) issued under the Securities Exchange Act of 1934.

(e) All matters arising under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa, et seq.).

(f) All matters arising under the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.) in connection with:

(1) The examination and processing of registration statements filed under section 8 of the Act (15 U.S.C. 80a–8).

(2) The examination and processing of proxy material filed pursuant to section 20 of the Act (15 U.S.C. 80a–20).

(3) The examination and processing of registration statements filed under section 24(e)(1) of the Act (15 U.S.C. 80a–24(e)(1)).

(4) The examination and processing of periodic reports filed under sections 30(a) and 30(b) of the Act (15 U.S.C. 80a–29(a), 80a–29(b)).

§ 200.19 [Revoked]

§ 200.19a Director of the Division of Market Regulation.

The Director of the Division of Market Regulation is responsible to the Commission for the administration of all matters relating to the regulation of exchanges, national securities associations, brokers, and dealers, the conduct of statistical functions under the Securities Exchange Act of 1934, and the investigations and inspections arising in connection with such administration, as specified below:

(a) Administration of all matters arising under the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.), except:

(1) The examination and processing of applications for registration of securities on national securities exchanges pursuant to section 12 of the Act (15 U.S.C. 78*l*).

(2) The examination and processing of periodic reports filed pursuant to sections 13 and 15(d) of the Act (15 U.S.C. 78m, 78*o*(d)).

(3) The examination and processing of proxy soliciting material pursuant to regulations adopted under section 14 of the Act (15 U.S.C. 78n).

(4) The examination and processing of ownership reports filed under section 16(a) of the Act (15 U.S.C. 78p(a)).

(5) The denial or suspension of registration of securities registered on national securities exchanges, pursuant to section 19(a)(2) (15 U.S.C. 78s(a)(2)) by reason of failure to comply with the reporting requirements of that Act.

(6) The enforcement and related activities under the jurisdiction of the Division of Enforcement.

§ 200.19b Director of the Division of Enforcement.

The Director of the Division of Enforcement is responsible to the Commission for the supervision and conduct of all of the enforcement activities under each of the acts administered by the Commission and the investigations relating thereto. The Director is responsible also for the institution of administrative and injunctive actions arising out of such investigations and enforcement activities and for the determination of whether the available evidence supports the allegations in the proposed complaint. In addition, the Director is responsible, in collaboration with the General Counsel, for the review of cases to be referred to the Department of Justice with a recommendation for criminal prosecution.

§ 200.20a Director of the Division of Corporate Regulation.

The Director of the Division of Corporate Regulation is responsible to the Commission for the performance of the Commission's responsibilities under Chapters X and XI of the Bankruptcy Act; the administration and execution of the Public Utility Holding Company Act of 1935; and the investigations and inspections arising in connection with such performance and administration, as listed below:

(a) All matters relating to the Commission's responsibilities under Chapters X and XI of the Bankruptcy Act (11 U.S.C. 501 et seq., 701 et seq.), including representation of the Commission in the United States District Courts in cases involving those chapters.

(b) The administration and execution of all matters arising under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79, et seq), except:

(1) The examination and processing of proxy solicitation material which is subject to Regulation 14 (§§240.14a–1 to 240.14a–12 of this chapter) adopted under the Securities Exchange Act of 1934.

(2) The examination and processing of ownership reports filed under section 17(a) of the Act (15 U.S.C. 79q(a)).

(3) The enforcement and related activities under the jurisdiction of the Division of Enforcement.

§ 200.20b Director of the Division of Investment Company Regulation.

The Director of the Division of Investment Company Regulation is responsible to the Commission for the administration of the Commission's responsibilities under the Investment Company Act of 1940 and the Investment Advisers Act of 1940; matters involving the economics, distribution methods, and services of investment companies; and the investigations and inspections arising in connection with such administration, as listed below:

(a) The administration of all matters arising under the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.), except:

(1) The examination and processing of registration statements filed under section 8 of the Act (15 U.S.C. 80a–8).

(2) The examination and processing of proxy material pursuant to section 20 of the Act (15 U.S.C. 80a–20).

(3) The examination and processing of registration statements filed under section 24(e)(1) of the Act (15 U.S.C. 80a–24(e)(1)).

(4) The examination and processing of periodic and other reports filed under sections 30(a) and 30(b) of the Act (15 U.S.C. 80a–29(a), 80a–20(b)).

(5) Those matters arising under section 30(f) of the Act (15 U.S.C. 80a–29(f)).

(6) The enforcement and related activities under the jurisdiction of the Division of Enforcement.

(b) All matters arising under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1, et seq.), except those enforcement and related activities under the jurisdiction of the Division of Enforcement.

§ 200.30–1 Delegation of authority to Director of Division of Corporation Finance.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Corporation Finance, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to registration of securities pursuant to the Securities Act of 1933 (15 U.S.C. 77a, et seq.), and Regulation C thereunder (§ 230.400, et seq. of this chapter):

(1) To determine the effective dates of amendments to registration statements filed pursuant to section 8(c) of the Act (15 U.S.C. 77h(c)).

(2) To consent to the withdrawal of registration statements or amendments or exhibits thereto, pursuant to Rule 477 (§ 230.477 of this chapter), and to issue orders declaring registration statements abandoned, pursuant to Rule 479 (§ 230.479 of this chapter).

(3) To grant applications for confidential treatment of contract provisions pursuant to Rule 485 (§ 230.485 of this chapter) under the Act; to issue orders scheduling hearings on such applications; and to deny any such application as to which the applicant waives his right to a hearing, provided such applicant is advised of his right to have such denial reviewed by the Commission.

(4) To accelerate the use or publication of any summary prospectus filed with the Commission pursuant to section 10(b) of the Act (15 U.S.C. 77j(b)) and Rule 434A(g) (§ 230.434a(g) of this chapter) thereunder.

(5) To take the following action pursuant to section 8(a) of the Act (15 U.S.C. 77h(a)):

(i) To determine registration statements to be effective within shorter periods of time than 20 days after the filing thereof;

(ii) To consent to the filing of amendments prior to the effective dates of registration statements as parts thereof, or to determine that amendments filed prior to the effective dates of registration statements have been filed pursuant to orders of the Commission, so as to be treated as parts of the registration statements for the purpose of section 8(a) of the Act (15 U.S.C. 77h(a));

(iii) To determine to be effective applications for qualification of trust indentures filed with registration statements.

(6) Pursuant to instructions as to financial statements contained in forms adopted under the Act:

(i) To permit the omission of one or more financial statements therein required or the filing in substitution therefor of appropriate statements of comparable character, or

(ii) To require the filing of other financial statements in addition to, or in substitution for, the statements therein required.

(7) Acting pursuant to section 4(3) of the Act (15 U.S.C. 77d(3)) or Rule 174 thereunder (§ 230.174 of this chapter), to reduce the 40-day period or the 90-day period with respect to transactions referred to in section 4(3)(b) of the Act (15 U.S.C. 77d(3)(B)).

(b) With respect to the Securities Act of 1933 (15 U.S.C. 77a, et seq.) and Regulation B thereunder § 230.300, et seq. of this chapter):

(1) To authorize the issuance of orders temporarily suspending the effectiveness of offering sheets in the manner prescribed in Rule 340(a) thereunder (§ 230.340(a) of this chapter);

(2) To issue notices of suspension of offering sheets and of opportunity for hearing thereon, in the manner prescribed in Rule 340(a) (§ 230.340(a) of this chapter);

(3) To terminate temporary suspension orders issued by the Commission under Rule 340(a) (§ 230.340(a) of this chapter), and proceedings under Rule 340(b) (§ 230.340(b) of this chapter), prior to taking any evidence at any such hearing thereon when, as set forth in Rule 340(c) (§ 230.340(c) of this chapter), it appears that the offering sheet

has been amended to cure the objections specified in the temporary suspension order or the notice instituting the proceeding;

(4) To authorize the issuance of orders granting requests for withdrawal of offering sheets, pursuant to Rule 350 (§ 230.350 of this chapter), when it appears that no sales of the securities described in said offering sheets have, in fact, been made;

(5) To authorize the issuance of orders declaring effective amendments to offering sheets filed in accordance with the provisions in Rule 352 (§ 230.352) and Rule 354 (§ 230.354 of this chapter);

(6) To authorize the issuance of orders terminating the effectiveness of offering sheets upon applications of persons filing them in compliance with the provisions of Rule 356 (§ 230.356 of this chapter).

(c) With respect to the Trust Indenture Act of 1939 (15 U.S.C. 77aaa, et seq.):

(1) To determine to be effective prior to the 20th day after filing thereof applications for qualification of indentures filed on Form T-3 (§ 269.3 of this chapter), pursuant to section 307 of the Act (15 U.S.C. 77ggg), and Rule 7a-1 thereunder (§ 260.7a-1 of this chapter);

(2) To authorize the issuance of orders exempting certain securities from the provisions of the Act pursuant to sections 304 (c) and (d) thereof (15 U.S.C. 77ddd(c), 77ddd(d)) and Rule 4c-1 thereunder (§ 260.4c-1 of this chapter);

(3) In cases in which opportunity for hearing is waived, to authorize the issuance of orders determining that a trusteeship under an indenture to be qualified and another indenture is not so likely to involve a material conflict of interest as to make it necessary to disqualify the trustee pursuant to section 310(b)(1)(ii) of the Act (15 U.S.C. 77jjj(b)(1)(ii)) and Rule 10b-2 thereunder (§ 260.10b-2 of this chapter).

(d) With respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.):

(1) To determine to be effective applications for registration of securities on a national securities exchange prior to 30 days after receipt of a certification pursuant to section 12(d) of the Act (15 U.S.C. 78*l*(d));

(2) Pursuant to instructions as to financial statements contained in forms adopted under the Act:

(i) To permit the omission of one or more financial statements therein required or the filing in substitution therefor of appropriate statements of comparable character;

(ii) To require the filing of other financial statements in addition to, or in substitution for, the statements therein required;

(3)(i) To grant applications for confidential treatment of contract provisions under section 24(b) of the Act (15 U.S.C. 78x(b)) and Rule 24b-2 thereunder (§ 240.24b-2 of this chapter);

(ii) To accord confidential treatment to material other than contract provisions filed pursuant to section 24(b) of the Act (15 U.S.C. 78x(b)) and Rule 24b-2 thereunder (§ 240.24b-2 of this chapter), but only when the Commission has previously by order granted confidential treatment to the same information;

(iii) To schedule hearings on applications pursuant to section 24(b) of the Act (15 U.S.C. 24x(b)) and Rule 24b-2 (§ 240.24b-2 of this chapter) thereunder; and to deny any such application as to which the applicant waives his right to a hearing, provided such applicant is advised of his right to have such denial reviewed by the Commission.

(4) To authorize the use of forms of proxies, proxy statements, or other soliciting material within periods of time less than that prescribed in Rules 14a-6, 14a-8(d), and 14a-11 (§§ 240.14a-6, 240.14a-8(d), and 240.14a-11 of this chapter); to authorize the filing of information statements within periods of time less than that prescribed in Rule 14c-5(a) (§ 240.14c-5(a) of this chapter); and to authorize the filing of information pursuant to Rule 14f-1 (§ 240.14f-1 of this chapter) within periods of time less than that prescribed in that section.

(5) To grant or deny applications filed pursuant to section 12(g)(1) of the Act (15 U.S.C. 78*l*(g)(1)) for extensions of time within which to file registration statements pursuant to that section and to grant or deny applications filed pursuant to Rule 12b-25 (§ 240.12b-25 of this chapter) for extensions of time within which to file information, documents, or reports, provided the applicant is advised of his right to have any such denial reviewed by the Commission.

(6) To accelerate at the request of the issuer the effective date of registration statements filed pursuant to section 12(g) of the Act (15 U.S.C. 78*l*(g)).

(7) To issue notices of applications for exemptions under section 12(h) of the Act (15 U.S.C. 78*l*(h)).

(8) At the request of the issuer to accelerate the termination of registration of any class of equity securities as provided in section 12(g)(4) of the Act (15 U.S.C. 78*l*(g)(4)).

(e) With respect to the Investment Company Act of 1940 (15 U.S.C. 80a-1, et seq.):

(1) In connection with the mailing of reports to stockholders and the filing with the Commission of registration statements and of reports:

(i) To grant reasonable extensions of time, upon a showing of good cause and that it would not be contrary to the public interest or inconsistent with the protection of investors; and

(ii) To deny requests for extension of time, provided the applicant is advised that he can request Commission review of any such denial.

(2) To permit, pursuant to Rule 20a-2(a)(9) (§ 270.20a-2(a)(9) of this chapter), the omission from a proxy statement of a registered investment company of the certification of the balance sheet of the investment adviser of such investment company and, if the investment adviser is primarily engaged in a business other than the underwriting or distribution of investment company securities or the performance of advisory services to registered investment companies, to permit the summarization or omission of such balance sheet.

(3) To authorize the issuance of orders granting confidential treatment pursuant to section 45(a) of the Act (15 U.S.C. 80a-44(a)) where applications for confidential treatment are made regarding matters of disclosure in registration statements filed pursuant to section 8 of the Act (15 U.S.C. 80a-8) or in reports filed pursuant to section 30 of the Act (15 U.S.C. 80a-29), but only when the Commission has previously by order granted confidential treatment to the same information.

(f) With respect to the Securities Act of 1933 (15 U.S.C. 77a, et seq.) and Regulation E thereunder (§ 230.601, et seq. of this chapter):

(1) To authorize the offering of securities:

(i) Less than 10 days subsequent to the filing with the Commission of a notification on Form 1-E (§ 239.200 of this chapter) pursuant to Rule 604(a) (§ 230.604(a) of this chapter);

(ii) Less than 10 days subsequent to the filing of an amendment to a notification on Form 1-E (§ 239.200 of this chapter) pursuant to Rule 604(a) (§ 230.604(a) of this chapter).

(2) To authorize the use of a revised or amended offering circular less than 10 days subsequent to the filing thereof pursuant to Rule 605(e) (§ 230.605(e) of this chapter).

(3) To authorize the use of communications specified in paragraphs (a), (b), and (c) of Rule 607 (§ 230.607 of this chapter), less than 5 days subsequent to the filing thereof.

(4) To permit the withdrawal of any notification, or any exhibit or other documents filed as a part thereof, pursuant to Rule 604(d) (§ 230.604(d) of this chapter).

(g) To issue certifications to investment companies which are principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, pursuant to section 851(e) of the Internal Revenue Code of 1954 [26 U.S.C. 851(e)], where applications from such companies do not present issues not previously settled by the Commission and do not require a hearing.

(h) To designate officers empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of any examination or investigation instituted by the Commission pursuant to section 19(b) of the Securities Act of 1933 (15 U.S.C. 77s(b)), section 21(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(b)), section 8(e) of the Securities Act of 1933 (15 U.S.C. 77h(e)), and section 42(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(b)).

(i) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's rules relating to investigations as in effect prior to November 27, 1970 (§ 203.6 of this chapter).

(j) Notwithstanding anything in the foregoing:

(1) The Director of the Division of Corporation Finance shall have the same authority with respect to the Securities Act of 1933 (15 U.S.C. 77a, et seq. of this chapter), Regulation A (§ 230.251 et seq. of this chapter), and Regulation F (§ 230.651, et seq. of this chapter), as that delegated to each Regional Administrator in paragraphs (a), (b), and (d) of Article 30–6 of the Commission's Statement of Organization, Conduct and Ethics, and Information and Requests (§ 200.30–6 of this chapter).

(2) In any case in which the Director of the Division of Corporation Finance believes it appropriate, he may submit the matter to the Commission.

§ 200.30–2 Delegation of authority to Director of Division of Corporate Regulation.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Corporate Regulation, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a, et seq.):

(1) To issue notices with respect to applications or declarations under the following sections of the Act and the rules and regulations promulgated thereunder where, upon examination, the application or declaration does not appear to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors or consumers requires that a hearing be held:

(i) Section 2(a)(3), 15 U.S.C. 79(b)(a)(3).
(ii) Section 2(a)(4), 15 U.S.C. 79b(a)(4).
(iii) Section 2(a)(7), 15 U.S.C. 79b(a)(7).
(iv) Section 2(a)(8), 15 U.S.C. 79b(a)(8).
(v) Section 3(a), 15 U.S.C. 79c(a).
(vi) Section 3(b), 15 U.S.C. 79c(b).
(vii) Section 5(d), 15 U.S.C. 79e(d).
(viii) Section 6(b), 15 U.S.C. 79f(b).
(ix) Section 7, 15 U.S.C. 79g.
(x) Section 9(c)(3), 15 U.S.C. 79i(c)(3).
(xi) Section 10, 15 U.S.C. 79j.
(xii) Section 12(b), 15 U.S.C. 79*l*(b).
(xiii) Section 12(c), 15 U.S.C. 79*l*(c).
(xiv) Section 12(d), 15 U.S.C. 79*l*(d).
(xv) Section 12(e), 15 U.S.C. 79*l*(e).
(xvi) Section 12(f), 15 U.S.C. 79*l*(f).
(xvii) Section 12(g), 15 U.S.C. 79*l*(g).
(xviii) Section 13(b), 15 U.S.C. 79m(b).
(xix) Section 13(c), 15 U.S.C. 79m(c).
(xx) Section 13(d), 15 U.S.C. 79m(d).
(xxi) Section 13(e), 15 U.S.C. 79m(e).
(xxii) Section 13(f), 15 U.S.C. 79m(f).

(2) To authorize the issuance of orders where a notice has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that he believes has not previously been settled by the Commission and it does not appear to him to be necessary in the public interest or the interest of investors or consumers that a hearing be held; section 20(c) of the Act (15 U.S.C. 79t(c));

(3) To permit the withdrawal of applications or declarations filed pursuant to the Act (15 U.S.C. 79a, et seq.);

(4) Upon a showing of good cause and that it would not be contrary to the public interest or inconsistent with the protection of investors or consumers, to grant reasonable extensions of time with respect to the time for the filing with the Commission of registration statements and of reports pursuant to section 20(a) of the Act (15 U.S.C. 79t(a)) and Rules 1(b), 1(c), 2, 24, and 29 (§§ 250.1(b), 250.1(c), 250.2, 250.4, and 250.29 of this chapter) thereunder;

(5) To issue notices and grant applications by a holding company or any subsidiary company thereof, under section 3(c) of the Act (15 U.S.C. 79c(c)), for revocation of previously granted exemptions from registration, unless, upon examination, the application appears to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest of investors or consumers requires that a hearing be held;

(6) To permit the filing of preliminary registration statements pursuant to section 5(c) of the Act (15 U.S.C. 79e(c));

(7) To authorize the destruction of records pursuant to the provisions of General Instruction 3(c) (§ 257.0–3(c) of this chapter) of the Uniform System of Accounts for Public Utility Holding Companies (§ 257.0–1, et seq. of this chapter);

(8) To authorize the discontinuance of reporting of information otherwise required to be reported under sections 5(b), 13(c), 13(e), 13(f), 14, and 20(a) of the Act (15 U.S.C. 79e(b), 79m(c), 79m(e), 79m(f), 79n, 79t(a));

(9) To grant extensions of time for filing registration statements and reports pursuant to sections 5(b), 13(c), 13(d), 13(f), 14, and 20(a) of the Act (15 U.S.C. 79e(b), 79m(c), 79m(d), 79m(f), 79n, 79t(a)).

(b)(1) To designate officers empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to section 18(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79r(c)).

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's rules relating to investigations as in effect prior to November 27, 1970 (§ 203.6 of this chapter).

(c) Notwithstanding anything in the foregoing in any case in which the Director of the Division of Corporate Regulation believes it appropriate he may submit the matter to the Commission.

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Market Regulation to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.):

(1) To approve the withdrawal or striking from listing and registration of securities registered on any national securities exchange pursuant to section 12(d) of the Act (15 U.S.C. 78*l*(d)) and Rules 12d2–1 and 12d2–2 thereunder (§§ 240.12d2–1 and 240.12d2–2 of this chapter);

(2) To extend unlisted trading privileges pursuant to section 12(f)(2) of the Act (15 U.S.C. 78*l*(f)(2)) and Rule 12f–1 thereunder (§ 240.12f–1 of this chapter);

(3) Pursuant to section 15(b) of the Act (15 U.S.C. 78*o*(b)):

(i) To determine registration of brokers or dealers to be effective within any shorter period of time than 30 days after receipt of applications for registration;

(ii) To authorize the issuance of orders postponing the effective date of registration of brokers or dealers, provided that without the consent of the applicant for registration no order shall be entered postponing the effective date of any registration pending final determination of whether such registration should be denied;

(iii) To authorize the issuance of orders canceling registrations of brokers or dealers, or pending applications for registration, if such brokers or dealers or applicants for registration are no longer in existence or have ceased to do business as brokers or dealers;

(4) Pursuant to Rule 15A(b)–1 (§ 240.15Ab–1 of this chapter), to approve applications for admission to, or continuance of, membership in national securities associations of brokers or dealers who would otherwise be disqualified from membership where such associations have recommended approval of the applications.

(5) Pursuant to Rule 17a–5(d) (§ 240.–17a–5(d) of this chapter), to consider applications, by broker-dealers who are nonresidents of the United States, for extensions of time within which to file

reports required by Rule 17a–5 (§ 240.17a–5 of this chapter), and to grant, and to authorize the issuance of orders denying, such applications provided such applicant is advised of his right to have such denial reviewed by the Commission.

(6) Pursuant to Rule 17a–8 (§ 240.17a–8 of this chapter), to authorize, upon application of a national securities exchange, the filing by such an exchange with the Commission of a report of a proposed amendment to or repeal of, or an addition to, its rules less than 3 weeks before any action is taken on such amendment, repeal, or addition by the members of such exchange or by any governing body thereof.

(7) Pursuant to Rule 10b–6(f) (§ 240.10b–6(f) of this chapter), to grant requests for exemptions from Rule 10b–6 (§ 240.10b–6 of this chapter);

(8) Pursuant to Rule 15c3–1(b)(3) (§ 240.15c3–1(b)(3) of this chapter), to grant exemptions to brokers or dealers from Rule 15c3–1 (§ 240.15c3–1 of this chapter).

(9) Pursuant to Rule 17a–10(d) (§ 240.17a–10(d) of this chapter), to consider applications by broker-dealers for extensions of time in which to file reports required by Rule 17a–10 (§ 240.17a–10 of this chapter), and to grant, and to authorize the issuance of orders denying, such applications provided such applicant is advised of his right to have such denial reviewed by the Commission. Any extension granted shall not be for more than 150 days after the close of the calendar year for which the report on Form X–17A–10 (§ 249.618 of this chapter) is made.

(10) Pursuant to Rule 10b–17(b)(2) (§ 240.10b–17(b)(2) of this chapter), to review applications of various issuers for exemption from the notice requirements of Rule 10b–17 (§ 240.10b–17 of this chapter) and to grant or deny such applications, with authority to issue orders granting and denying same, provided each applicant is advised of his right to have a denial reviewed by the Commission.

(b) To designate officers empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to section 21(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(b)).

(c) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's rules relating to investigations as in effect prior to November 27, 1970 (§ 203.6 of this chapter).

(d) Notwithstanding anything in the foregoing, in any case in which the Director of the Division of Market Regulation believes it appropriate, he may submit the matter to the Commission.

§ 200.30–4 Delegation of authority to Director of Division of Enforcement.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Enforcement to be performed by him or under his direction by such other person or persons as may be designated from time to time by the Chairman of the Commission.

(a)(1) To designate officers empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to section 19(b) of the Securities Act of 1933 (15 U.S.C. 77s(b)), section 21(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(b)), section 18(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79r(c)), section 42(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(b)) and section 209(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(b)).

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's Rules Relating to Investigations as in effect prior to November 27, 1970 (§ 203.6 of this chapter).

(b) Notwithstanding anything in the foregoing, in any case in which the Director of the Division of Enforcement believes it appropriate, he may submit the matter to the Commission.

§ 200.30–5 Delegation of authority to Director of Division of Investment Company Regulation.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Investment Company Regulation, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.):

(1) To issue notices, pursuant to Rule 0–5(a) (§ 270.05(a) of this chapter), with respect to applications for orders under the following sections of the Act and the rules and regulations promulgated thereunder where, upon examination, the application does not appear to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held:

(i) Section 3(b)(2), 15 U.S.C. 80a–3(b)(2).
(ii) Section 6(b), 15 U.S.C. 80a–6(b).
(iii) Section 6(c), 15 U.S.C. 80a–6(c).
(iv) Section 6(d), 15 U.S.C. 80a–6(d).
(v) Section 6(e), 15 U.S.C. 80a–6(e).
(vi) Section 7(d), 15 U.S.C 80a–7(d).
(vii) Section 8(f), 15 U.S.C. 80a–8(f).
(viii) Section 10(e), 15 U.S.C. 80a–10(e).
(ix) Section 10(f), 15 U.S.C. 80a–10(f).
(x) Section 11(a), 15 U.S.C. 80a–11(a).
(xi) Section 12(g), 15 U.S.C. 80a–12(g).
(xii) Section 16(a), 15 U.S.C. 80a–16(a).
(xiii) Section 17(b), 15 U.S.C. 80a–17(b).
(xiv) Section 17(d), 15 U.S.C. 80a–17(d).
(xv) Section 17(e), 15 U.S.C. 80a–17(e).
(xvi) Section 17(f), 15 U.S.C. 80a–17(f).
(xvii) Section 17(g), 15 U.S.C. 80a–17(g).
(xviii) Section 18(j), 15 U.S.C. 80a–18(f).
(xix) Section 23(b), 15 U.S.C. 80a–23(b).
(xx) Section 23(c), 15 U.S.C. 80a–23(c).
(xxi) Section 28(c), 15 U.S.C. 80a–28(c).
(xxii) Section 31(d), 15 U.S.C. 80a–30(d).
(xxiii) Section 32(c), 15 U.S.C. 80a–31(c).
(xxiv) Section 45(a), 15 U.S.C. 80a–44(a).

(2) To authorize the issuance of orders where a notice, pursuant to Rule 0–5(a) (§ 270.05(a) of this chapter), has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that he believes has not been previously been settled by the Commission and it does not appear to him to be necessary in the public interest or the interest of investors that a hearing be held; (section 40(a) of the Act, 15 U.S.C. 80a–39(a));

(3) To permit the withdrawal of applications pursuant to the Act (15 U.S.C. 80a–1, et seq.).

(b) With respect to the Investment Advisers Act of 1940 (15 U.S.C. 80b–1, et seq.);

(1) Pursuant to section 203(c) of the Act (15 U.S.C., 80b–3(c)):

(i) To determine registration of investment advisers to be effective within shorter periods of time than 30 days after receipt by the Commission of applications for registration;

(ii) To authorize the issuance of orders declaring amendments filed with the Commission after an application has become effective to be effective within shorter periods of time than 30 days after the filing of such amendments.

(2) Pursuant to section 203(i) of the Act (15 U.S.C. 80b–3(i), to authorize the issuance of orders canceling registration of investment advisers, or applications for registration, if such investment advisers or applicants for registration are no longer in existence or are not engaged in business as investment advisers.

(c) To designate officers empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to section 209(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(b)) and section 42(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(b)).

(d) In nonpublic investigatory proceedings within the responsibility of the

director, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's rules relating to investigations as in effect prior to November 27, 1970 (§ 203.6 of this chapter).

(e) Notwithstanding anything in the foregoing, in any case in which the Director of the Division of Investment Company Regulation believes it appropriate, he may submit the matter to the Commission.

(Sec. 4(b), 48 Stat. 885, sec. 1106(a), 63 Stat. 972, 15 U.S.C. 78d(b); sec. 1, 76 Stat. 394, 15 U.S.C. 78d–1; secs. 19, 209, 48 Stat. 85, 908, 15 U.S.C. 77s; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w(a); sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a–37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b–11)

The Commission finds that the foregoing actions relate solely to agency organization, procedure or practice and that notice and procedures under 5 U.S.C. 533 are unnecessary. Accordingly, the foregoing actions, which were taken pursuant to Public Law No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), became effective August 7, 1972.

By the Commission.

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

AUGUST 14, 1972.

[FR Doc.72-14077 Filed 8-18-72;8:48 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–444; Order 457]

UNIFORM SYSTEMS OF ACCOUNTS FOR CERTAIN CLASSES OF PUBLIC UTILITIES AND NATURAL GAS COMPANIES

Miscellaneous Amendments

AUGUST 16, 1972.

On June 5, 1972, the Commission issued a notice of proposed rule making in this proceeding (37 F.R. 11788, June 14, 1972) proposing to revoke the Uniform Systems of Accounts for Class D and amend the Uniform Systems of Accounts for Class C Public Utilities and Licensees and for Natural Gas Companies and to amend the FPC Annual Report Forms No. 1–F and 2–A.

Comments were invited from interested parties on or before July 19, 1972. No comments were received.

The Commission deems it impractical to maintain the Class D Uniform Systems of Accounts considering the number of companies utilizing these accounts. The benefits derived from revoking the accounts will be felt immediately as it will not be necessary to amend the Systems when implementing other proposed rulemakings presently before the Commission and by reducing other administrative functions.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Part 104, and revocation of Part 105 of the Commission's Uniform System of Accounts for Public Utilities and Licensees, and Annual Report Form No. 1–F prescribed by § 141.2 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Part 204, and revocation of Part 205 of the Commission's Uniform System of Accounts for Natural Gas Companies, and Annual Report Form No. 2–A prescribed by § 260.2 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the amendments herein are a cost saving measure, good reason exists for making them effective January 1, 1972.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855, 856, 858, 859; 16 U.S.C. 825, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), orders:

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

(A) The Uniform System of Accounts for Public Utilities and Licensees in Part 104, Chapter I, Title 18 CFR is amended as follows:

1. The General Instructions are amended as follows:

(a) Paragraph B of Instruction 1, *Classification of Utilities,* is revised.

(b) The first sentence of Instruction 4, *Accounting Period,* is amended.

As amended, the General Instructions read:

General Instructions

1. *Classification of Utilities.*

* * * * *

B. This system of accounts applies to Class C and Class D utilities. The system of accounts applicable to Class A and Class B utilities is issued separately.

* * * * *

4. *Accounting Period.*

Each utility shall keep its books on a monthly basis so that for each accounting period all transactions applicable thereto, as nearly as may be ascertained, shall be entered into the books of the utility. * * *

* * * * *

2. The Chart of Balance Sheet Accounts is amended by adding a new account, "218, Noncorporate proprietorship" immediately following account "217, Reacquired capital stock." As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

218 Noncorporate proprietorship.

* * * * *

3. The text of the Balance Sheet Accounts is amended by adding a new account "218, Noncorporate proprietorship" immediately following account "217, Reacquired capital stock." As amended, the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

218 Noncorporate proprietorship.

This account shall include the investment in an unincorporated utility by the proprietor thereof, and shall be charged with all withdrawals from the business by its proprietor. At the end of each calendar year the net income for the year, as developed in the income account, shall be transferred to this account. (See optional accounting procedure provided in Note C, hereunder.)

NOTE A: Amounts payable to the proprietor as just and reasonable compensation for services performed shall not be charged to this account but to appropriate operating expense or other accounts.

NOTE B: When the utility is owned by a partnership, a separate account shall be kept to show the net equity of each member therein and the transactions affecting the interest of each such partner.

NOTE C: This account may be restricted to the amount considered by the proprietor to be the permanent investment in the business, subject to change only by additional investment by the proprietor or the withdrawal of portions thereof not representing net income. When this option is taken, the retained earnings accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

* * * * *

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

(B) The Uniform System of Accounts for Class D Public Utilities and Licensees in Part 105, Chapter I, Title 18 CFR is revoked.

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

(C) The Uniform Systems of Accounts for Class C Natural Gas Companies in

Part 204, Chapter I, Title 18 CFR is amended as follows:

1. The General Instructions are amended as follows:

(a) Paragraph B of Instruction 1 *Classification of Utilities,* is revised.

(b) The first sentence of Instruction 4 *Accounting Period,* is amended.

As amended, the General Instructions reads:

General Instructions

1. *Classification of Utilities.*

* * * * *

B. This system of accounts applies to Class C and Class D utilities. The system of accounts applicable to Class A and Class B utilities is issued separately.

* * * * *

4. *Accounting Period.*

Each utility shall keep its books on a monthly basis so that for each accounting period all transactions applicable thereto, as nearly as may be ascertained, shall be entered in the books of the utility. * * *

* * * * *

2. The Chart of Balance Sheet Accounts is amended by adding a new account, "218, Noncorporate proprietorship" immediately following account "217, Reacquired capital stock." As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

218 Noncorporate proprietorship

* * * * *

3. The text of the Balance Sheet Accounts is amended by adding a new account "218, Noncorporate proprietorship" immediately following account "217, Reacquired capital stock." As amended, the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

218 Noncorporate proprietorship.

This account shall include the investment in an unincorporated utility by the proprietor thereof, and shall be charged with all withdrawals from the business by its proprietor. At the end of each calendar year the net income for the year, as developed in the income account, shall be transferred to this account. (See optional accounting procedure provided in Note C, hereunder.)

NOTE A: Amounts payable to the proprietor as just and reasonable compensation for services performed shall not be charged to this account but to appropriate operating expense or other accounts.

NOTE B: When the utility is owned by a partnership, a separate account shall be kept to show the net equity of each member therein and the transactions affecting the interest of each such partner.

NOTE C: This account may be restricted to the amount considered by the proprietor to be the permanent investment in the business, subject to change only by additional investment by the proprietor or the withdrawal of portions thereof not representing net income. When this option is taken, the retained earnings accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

* * * * *

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

(D) The Uniform System of Accounts for Class D Natural Gas Companies in Part 205, Chapter I, Title 18 CFR is revoked.

PART 260—STATEMENT AND REPORTS (SCHEDULES)

(E) The FPC Annual Report Form No. 1–F[1] is amended by deleting reference to the Uniform System of Accounts, effective January 1, 1961, from page 1 and deleting all reference to accounts applicable only to Class C companies and deleting all accounts and references applicable to Class D companies on pages 3, 5, 6, and 7.

(F) The FPC Annual Report Form No. 2–A[1] is amended by deleting reference to the Uniform System of Accounts, effective January 1, 1961, from page 1 and deleting all reference to accounts applicable only to Class C companies and deleting all accounts and references applicable to Class C companies on pages 3, 5, 6, and 9.

(G) This order is effective January 1, 1972.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14093 Filed 8-18-72;8:52 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

FEED GRADE BIURET

The Commissioner of Food and Drugs, having evaluated data in a petition (MF 3370V) filed by The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for a change in the specifications for the additive.

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), § 121.328 is amended in paragraph (a) under the "Percent" for the item "Biuret" by changing the specification "60.0 minimum" to "55.0 minimum" and for the item "Cyanuric acid and triuret" by changing the specification "21.0 maximum" to "30.0 maximum."

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 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 (8–19–72).

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

Dated: August 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-14034 Filed 8-18-72;8:45 am]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TRICYCLOHEXYLTIN HYDROXIDE

A petition (FAP 2H2664) was filed jointly by M&T Chemicals, Inc., Post Office Box 1104, Rahway, NJ 07065, and The Dow Chemical Co., Post Office Box 512, Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the insecticide tricyclohexyltin hydroxide including its metabolites (calculated as tricyclohexyltin hydroxide) in dried apple pomace at 8 parts per million from application of the

[1] Filed as part of the original document.

insecticide to the growing raw agricultural commodity apples. (For a related document, see this issue of the FEDERAL REGISTER, page 16803.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 121 is amended by adding the following new section to Subpart C:

§ 121.341 **Tricyclohexyltin hydroxide.**

A tolerance of 8 parts per million is established for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in dried apple pomace when present therein as a result of the application of the insecticide to growing apples.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accomplished by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–19–72).

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: August 14, 1972.

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

[FR Doc.72–14131 Filed 8–18–72;8:53 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

SUBCHAPTER A—INTRODUCTION

[Docket No. R–72–210]

PART 300—GENERAL

Subsection (c) of section 300.11 is amended by bringing current the list of attorneys-in-fact authorized to act on behalf of the Association.

Notice and public procedure on this amendment are dispensed with because it does not adversely affect any existing rights and it is necessary to carry out the day to day business of the Association. Part 300 is amended as follows:

1. Section 300.11(c) is revised to read:

§ 300.11 **Power of attorney.**

* * * * *

(c) The persons appointed attorneys-in-fact by paragraph (a) of this section are:

Federal National Mortgage Association, a Government-sponsored private corporation.

Margaret M. Ake, of Los Angeles, Calif.
Allan E. Arneson, of Los Angeles, Calif.
Robert P. Atkinson, of Chicago, Ill.
Walter T. Ausfeld, of Atlanta, Ga.
Lawrence S. Banks, of Dallas, Tex.
Frank L. Barczewski, of Los Angeles, Calif.
Gordon C. Bell, of Dallas, Tex.
Donald E. Berg, of Dallas, Tex.
Norman Camber, of Los Angeles, Calif.
Howard S. Carnes, of Atlanta, Ga.
Russell B. Clifton, of Washington, D.C.
W. D. Cornwell, of Atlanta, Ga.
Thomas G. Dawson, of Dallas, Tex.
John J. Deisher, of Philadelphia, Pa.
K. A. Duncan, of Philadelphia, Pa.
Joseph R. Eldred, of Philadelphia, Pa.
Ray M. Evans, Jr., of Dallas, Tex.
H. J. Flewharty, of Dallas, Tex.
Norbert C. Greene, of Philadelphia, Pa.
John J. Hagerty, of Philadelphia, Pa.
Charles W. Harvey, Jr., of Washington, D.C.
John R. Hayes, of Chicago, Ill.
J. W. Hester, Jr., of Atlanta, Ga.
Elwyn V. Hopkins, of Washington, D.C.
George L. Huckabee, of Dallas, Tex.
Harry E. Johnson, of Washington, D.C.
Hughes A. King, of Dallas, Tex.
John F. Kurth, of Chicago, Ill.
Louis Lane, of Los Angeles, Calif.
C. James Larkin, of Los Angeles, Calif.
Oliver J. McCarron, of Philadelphia, Pa.
James A. McClellan, of Chicago, Ill.
Hugh J. McConville, of Dallas, Tex.
James L. McKnight, of Los Angeles, Calif.
Frank E. Moll, of Los Angeles, Calif.
Howard A. Morton, of Chicago, Ill.
James D. Nelson, of Dallas, Tex.
Vincent H. Nelson, of Atlanta, Ga.
Philip R. Nichols, Jr., of Philadelphia, Pa.
Albert D. Oltman, of Los Angeles, Calif.
Sam Pampalone, of Chicago, Ill.
Joseph T. F. Quinn, of Philadelphia, Pa.
Norman M. Reid, of Los Angeles, Calif.
Harry Rode, of Dallas, Tex.
Edward N. Sambol, of Chicago, Ill.
Richard Stern, of Chicago, Ill.
Marvin F. Strattman, of Los Angeles, Calif.
T. J. Swanson, Jr., of Atlanta, Ga.
Keller D. Thormahlen, of Dallas, Tex.
Jack Tuggle, of Los Angeles, Calif.
Esther O. Walder, of Philadelphia, Pa.
Walter B. Williams, of Atlanta, Ga.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER [8–19–72].

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.72–14074 Filed 8–18–72;8:48 am]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Certain Employee Benefits Plans Utilizing John Hancock Mutual Life Insurance Co.

On July 6, 1972, there was published in the FEDERAL REGISTER (37 F.R. 13269) notice of a proposed variation under which employee benefit plans which utilize the services of John Hancock Mutual Life Insurance Co., Boston, Mass. 02117 (hereinafter referred to as the carrier) and which do not maintain separate experience records are excused from the requirement of section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 306(d)(2)(A), that they attach a copy of the appropriate carrier's financial report to their annual reports. Interested persons were invited to submit objections to the proposed variance within 15 days of the date of publication. No objections have been received. Accordingly, in accordance with section 5(a) WPPDA, 29 U.S.C. 304(a), 29 CFR Part 462, Subpart A and Secretary's Order No. 11–72, May 12, 1972, the variation to appear as §§ 462.39 and 462.40 of 29 CFR Part 462, Subpart B with an undesignated centerhead is granted as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE JOHN HANCOCK MUTUAL LIFE INSURANCE CO.

§ 462.39 **Rule of variation.**

Every employee benefit plan which utilizes the John Hancock Mutual Life Insurance Co. (hereinafter referred to as the carrier) to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the carrier will no longer be required to do so, subject to the following conditions.

§ 462.40 Conditions of variation.

(a) The carrier shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the carrier has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the carrier, each plan administrator of an employee benefit plan to which this variation applies shall report in Part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the carrier and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) The carrier is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the carrier maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the carrier to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

This variation shall be effective upon publication in the FEDERAL REGISTER (8-19-72).

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C. this 15th day of August, 1972.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.72-14082 Filed 8-18-72;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1710—FEDERAL DISASTER ASSISTANCE

Assistance to Nonprofit, Private Educational Institutions Damaged or Destroyed by Hurricane and Tropical Storm Agnes

The Office of Emergency Preparedness is issuing regulations implementing section 4 of Public Law 92-385 and Executive Order 11678 of August 16, 1972. The regulations set forth standards and procedures by which nonprofit, private educational institutions which have suffered damage as a result of Hurricane Agnes may apply for grants for the repair, restoration, reconstruction or replacement of facilities, equipment and supplies. These regulations are intended to provide disaster benefits comparable to those provided to public educational institutions.

Since the subject procedures are required immediately to allow interested applicants to proceed with necesary reconstruction or repair for the opening of the Fall school term, I find that it is impracticable and contrary to the public interest to engage in public rule making procedures and to postpone the effective date of these regulations. Therefore, this subpart will become effective immediately upon publication in the FEDERAL REGISTER (8-19-72). All interested parties, however, are invited to submit written comments with respect to the regulations, which may be later revised in light of such comments.

Comments should be filed in triplicate within 15 days after publication of the regulations at the Disaster Programs Office, Office of Emergency Preparedness, Room 320, 604 17th Street NW., Washington, DC 20504.

Accordingly, Subpart E, Assistance to Nonprofit, Private Educational Institutions, is set out below:

Subpart E—Assistance to Nonprofit, Private Educational Institutions Damaged or Destroyed by Hurricane and Tropical Storm Agnes

Sec.

AUTHORITY: The provisions of this Subpart E are issued pursuant to sec. 4 of Public Law 385, 92d Congress 86 Stat. 554, and Executive Order 11678 dated August 16, 1972.

§ 1710.38 Purpose.

The purpose of this subpart is to prescribe the standards and procedures to be followed in implementing section 4 of Public Law 92-385, which provides disaster relief benefits to nonprofit, private educational institutions damaged or destroyed as a result of Hurricane and Tropical Storm Agnes.

Except as otherwise provided in this Subpart, the standards and procedures established by Subparts A and B of this part shall be applicable to the assistance provided under this Subpart E.

§ 1710.39 Definitions.

As used in this subpart:

(a) "Educational institution" means:

(1) Any elementary school as defined by section 801(c) of the Elementary and Secondary Education Act of 1965;

(2) Any secondary school as defined by section 801(h) of the Elementary and Secondary Education Act of 1965; or

(3) Any institution of higher education as defined by section 1201 of the Higher Education Act of 1965.

(b) "School or department of divinity" is used herein as defined by section 1201 of the Higher Education Act of 1965.

(c) A "private" institution means one which is established by an agency other than a State or a political subdivision or any combination of either or both, and which is supported in whole or in part by other than public funds and is administered and controlled by other than publicly elected or appointed officials.

(d) A "nonprofit" institution means one which is exempt from taxation under sec. 501 (c), (d) or (e) of the Internal Revenue Code of 1954.

(e) "Educational facilities" includes classrooms and related facilities; and equipment, machinery, and utilities necessary or appropriate for instructional purposes. It does not include athletic stadia or structures or facilities intended primarily for athletic exhibitions, contests, games or other events for which admission is to be charged to the general public; and facilities used primarily for religious instruction or any facility used or to be used primarily in connection with any part of the program of a school or department of divinity.

(f) "Equipment" includes all items necessary for providing educational services, including such items as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies which are consumed in use or which may not reasonably be expected to last longer than 1 year.

(g) "Supplies" means those nonequipment items which are consumed in use or which may not reasonably be expected to last longer than 1 year.

§ 1710.40 Project applications.

(a) Private, nonprofit educational institutions in areas declared a major disaster by the President as a result of Hurricane and Tropical Storm Agnes which have suffered loss, damage or destruction not compensated for by insurance or otherwise, may apply for assistance under section 4 of Public Law 92-385 in accordance with procedures established by § 1710.4 of Subpart B of this part.

(b) In addition to the procedures specified by paragraphs (a) and (c) of § 1710.8 of Subpart B of this part, the local or State government, as an authorized applicant, must submit the project application on behalf of the nonprofit, private educational institutions within its area of jurisdiction. In addition to the completed application documents specified by OEP instructions, the following additional documents and assurances must be submitted with the application:

(1) A copy of the Internal Revenue Service ruling letter which grants the organization or entity tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(2) When appropriate, the comments and recommendations of State or local government clearinghouses pursuant to the guidelines contained in OMB Circular No. A–95.

(3) A copy of the following assurances by the nonprofit, private educational institution:

(i) That in addition to owning the facility, it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(ii) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times; and that claims for Federal reimbursement do not duplicate funding provided from any other source;

(iii) That it will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; and

(iv) That adequate financial support will be available for maintenance and operation when completed.

(v) That no amounts granted will be used for purposes prohibited by § 1710.41.

§ 1710.41 Limitations.

(a) Grants made under the provisions of this Subpart shall not:

(1) Be used to pay any part of the cost of facilities, supplies, or equipment which are to be used primarily for sectarian purposes; or

(2) Be used to restore or rebuild any facility used or to be used primarily for religious worship; replace, restore, or repair any equipment or supplies used or to be used primarily for religious instruction, or restore or rebuild any facility or furnish any equipment or supplies which are used or to be used primarily in connection with any part of the program of a school or department of divinity.

(b) No grants shall be made under this subpart for the repair, restoration, reconstruction, or replacement of any facility for which disaster relief assistance would not be authorized under Public Law 81–815, Title VII of the Higher Education Act of 1965, or the Disaster Relief Act of 1970 if such facility were a public facility.

§ 1710.42 Repair and replacement of facilities.

The repair, restoration, reconstruction, or replacement of facilities belonging to nonprofit, private educational institutions, which facilities have been damaged or destroyed as a result of Hurricane and Tropical Storm Agnes may be eligible under the standards and procedures of paragraphs (a) and (b) of section 1710.11 of Subpart B of this part.

§ 1710.43 Repair, restoration or replacement of equipment or supplies.

Grants may be awarded for the repair, restoration, or replacement of equipment and supplies which were owned on the date of the loss, damage or destruction by a nonprofit, private educational institution, subject to the procedures and standards set forth in § 1710.11 (b) and (c) of Subpart B of this part, except that nonprofit, private educational institutions other than institutions of higher education shall receive grants for supplies as defined in § 1710.39(g) to the extent provided by applicable policies or regulations of the Department of Health, Education, and Welfare relating to comparable public educational institutions: Provided that used or surplus equipment and supplies shall be utilized to the extent practicable.

§ 1710.44 Repair or reconstruction of facilities damaged while under construction.

Federal disaster grants may be provided under the standards and procedures of § 1710.17 of Subpart B of this part for the repair, restoration, reconstruction, or replacement of facilities belonging to nonprofit, private educational institutions, which facilities have been damaged or destroyed as a result of Hurricane and Tropical Storm Agnes while under construction and for the additional costs for completion of any such facilities which were in the process of construction when damaged or destroyed as a result of such major disaster.

Effective date. This regulation shall become effective on the date of its publication in the FEDERAL REGISTER (8–19–72).

Dated: August 17, 1972.

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

[FR Doc.72-14194 Filed 8-18-72;8:52 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 761—BOOK-ENTRY PROCEDURES

Part 761 of Title 39, Code of Federal Regulations, 37 F.R. 212, is patterned after Subpart O of Treasury Department Circular No. 300 (31 CFR Subpart O Part 306). On April 27, 1972, the Treasury Department amended its regulations 37 F.R. 8671. It has been determined that comparable changes should be made in the regulations of the Postal Service. Accordingly, Part 761 of Title 39, Code of Federal Regulations, is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 761 are issued under 39 U.S.C. 401, 402, 2005.

§ 761.1 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means the Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue Postal Service securities in book-entry form) as fiscal agent of the United States acting on behalf of the Postal Service and when indicated acting in its individual capacity.

(b) "Postal Service security" means any obligation of the Postal Service issued under 39 U.S.C. 2005, in the form of a definitive Postal Service security or a book-entry Postal Service security.

(c) "Definitive Postal Service security" means a Postal Service security in engraved or printed form.

(d) "Book-entry Postal Service security" means a Postal Service security in the form of an entry made as prescribed in these regulations on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Postal Service securities as collateral for loans or advances or to secure deposits of public moneys or the performance of an obligation.

(f) "Date of call" is the date fixed in the authorizing resolution of the Board of Governors of the Postal Service on which the obligor will make payment of the security before maturity in accordance with its terms.

(g) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve bank.

§ 761.2 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this part, to (a) issue book-entry Postal Service securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Postal Service securities and definitive Postal Service securities; (c) otherwise service and maintain book-entry Postal Service securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities; that is, loan title (or series) and maturity date, sold or transferred, and the date of the transaction.

§ 761.3 Scope and effect of book-entry procedure.

(a) A Reserve Bank as fiscal agent of the United States acting on behalf of the Postal Service may apply the book-entry procedure provided for in this part to any Postal Service securities which

have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or,

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Postal Service securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depository with respect to such Postal Service securities.

(b) A Reserve Bank as fiscal agent of the United States acting on behalf of the Postal Service may apply the book-entry procedure to Postal Service securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Postal Service securities deposited with a Reserve Bank as fiscal agent of the United States.

(c) Any person having an interest in Postal Service securities which are deposited with a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry Postal Service securities pursuant to the provisions of this part, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 761.4 Transfer or pledge.

(a) A transfer or pledge of book-entry Postal Service securities to a Reserve Bank (in its individual capacity or as fiscal agent of the United States acting on behalf of the Postal Service), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this part, is effected and perfected, notwithstanding any provisions of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall (1) have the effect of a delivery in bearer form of definitive Postal Service securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Postal Service securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Postal Service securities, or any interest therein, which is maintained by a Reserve Bank (in its individual capacity or as a fiscal agent of the United States acting on behalf of the Postal Service) in a book-entry account under this part, including securities in book-entry form under § 761.3(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Postal Service securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Postal Service securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Postal Service securities either in its individual capacity or as fiscal agent of the United States acting on behalf of the Postal Service is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Postal Service securities or any interest therein.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Postal Service securities into definitive Postal Service securities and deliver them in accordance with such instructions; no such conversion shall effect existing interests in such Postal Service securities.

(e) A transfer of book-entry Postal Service securities within a Reserve Bank shall be made in accordance with procedures established by the Bank not inconsistent with this part.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 761.5 Withdrawal of Postal Service securities.

(a) A depositor of book-entry Postal Service securities may withdraw them from a Reserve Bank by requesting delivery of like definitive Postal Service securities to itself or on its order to a transferee.

(b) Postal Service securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form.

§ 761.6 Delivery of Postal Service securities.

A Reserve Bank which has received Postal Service securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this part by the delivery of Postal Service securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve Bank) may obtain Postal Service securities in definitive form only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 761.7 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Postal Service securities of registered Postal Service securities held by a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) on the effective date of this part for any purpose specified in § 761.3(a). Registered Postal Service securities deposited thereafter with a Reserve Bank for any purpose specified in § 761.3 shall be assigned for conversion to book-entry Postal Service securities. The assignment, which shall be executed in accordance with the provisions of Part 760 of this subchapter and Subpart F of 31 CFR Part 306, so far as applicable, shall be to "Federal Reserve Bank of _____ as fiscal agent of the United States acting on behalf of the Postal Service for conversion to book-entry Postal Service securities."

§ 761.8 Servicing book-entry Postal Service securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Postal Service securities shall be charged in the Postal Service Fund on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Postal Service Fund on the date of maturity, call or advance refunding, and the redemption proceeds,

principal and interest, shall be disposed of in accordance with the depositor's instructions.

ROGER P. CRAIG,
Deputy General Counsel.

AUGUST 16, 1972.

[FR Doc.72-14072 Filed 8-18-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Tricyclohexyltin Hydroxide

A petition (PP 0F1005) was filed jointly by M&T Chemicals, Inc., Post Office Box 1104, Rahway, NJ 07065, and The Dow Chemical Co., Post Office Box 512, Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of tolerances for residues of the insecticide tricyclohexyltin hydroxide including its metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodities apples and pears at 2 parts per million.

Subsequently, the petitioners amended the petition by proposing establishment of tolerances for residues of the insecticide in or on fat, meat, and meat byproducts of cattle at 0.2 p.p.m. and in milk fat, reflecting negligible residues in milk, at 0.05 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 16798.)

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

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

2. The proposed tolerances for meat and milk are adequate to cover residues resulting from the proposed use and § 180.6(a)(2) applies. No poultry feed items are involved.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended by adding the following new section to Subpart C:

§ 180.144 Tricyclohexyltin hydroxide; tolerances for residues.

Tolerances are established for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on raw agricultural commodities as follows:

2 parts per million in or on apples and pears.

0.2 part per million in meat, fat, and meat byproducts of cattle.

0.05 part per million in milk fat reflecting negligible residues in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8-19-72).

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

Dated: August 14, 1972.

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

[FR Doc.72-14130, Filed 8-18-72;8:53 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 72-59R]

PART 56—PIPING SYSTEMS AND APPURTENANCES

Reference Specifications, Standards, and Codes; Correction

In F.R. Doc. 72-4448 appearing at page 6187 in the issue of Saturday, March 25, 1972, the amendatory paragraph 11 appearing on page 6189 is corrected by changing in the seventh line "ASTM-A 375" to read "ASTM A-376."

Dated: August 15, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.72-14108 Filed 8-18-72;8:51 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 1-9; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Exterior Protection

The purpose of this notice is (a) to amend Motor Vehicle Safety Standard No. 215 *Exterior Protection*, 49 CFR 571.215, to permit the removal of bumper hitches during the required impacts; (b) to amend the headlamp adjustment requirements of S5.3.1 of the standard; and (c) to terminate rule making with respect to other amendments proposed to S5.3.1 of the standard by notice of December 15, 1971 (36 F.R. 23831).

The amendment to permit removal of trailer hitches was proposed on January 22, 1972 (37 F.R. 1059), in response to a petition for rule making by General Motors, who stated that factory installation of trailer hitches would have to be discontinued if their removal were not permitted during testing. In proposing the amendment, the agency noted that if factory installation were to cease, as appeared likely, the effect would probably be to increase the number of hitches installed after purchase.

Two comments expressed reservations about the proposal. The Automobile Club of Southern California expressed concern about the effects of the trailer hitch on the fuel tank in rear end collisions. The Center for Auto Safety stated that the proper functioning of a trailer hitch is essential for safe towing and that the hitch should therefore be regulated in the same manner as the other safety systems specified in the standard. Even if the standard were to apply to hitches, however, the applicable requirement would be the no-contact requirement of S5.3.6, and it is not at all certain that compliance with this requirement would produce a superior trailer hitch. This discontinuance of factory installations would probably not improve the situation in any case. The improvements in trailer hitches which the Center and the Automobile Club seek would thus appear to lie outside the scope of Standard No. 215. The proposed amendment is therefore being adopted as proposed.

In response to the proposal, a question has been raised concerning the intent of the requirement that "the aim of each headlamp shall be adjustable in accordance with the applicable requirements of Standard No. 108." General Motors stated that the reference should be more specific and suggested a reference to Table 1 of SAE Recommended Practice J599b, Lighting Inspection Code. American Motors stated that it considers two of the SAE Standards subreferenced by Standard No. 108—SAE J579a and

J580a—to be based entirely on laboratory bench tests and not upon on-vehicle tests.

This agency disagrees with American Motors, and considers J580a to be an on-vehicle test as well as a laboratory bench test. It has concluded, however, that J580a and the other SAE Standards referenced by Standard No. 108 are less suited to the purposes of Standard No. 215 than are the provisions of the lighting inspection procedure of SAE J599b. Standard No. 215 is intended to protect the headlamps so that they can be adjusted to throw a satisfactory pattern of light. Accordingly, it has been decided to amend the last sentence of S5.3.1 of Standard No. 215 to refer to the table in SAE Recommended Practice J599b that sets out the aiming requirements for headlamps.

The notice of proposed rule making published on December 15, 1971, proposed to require the lights to be operable after the test impacts and to require them to meet the photometric requirements of Standard No. 108. Upon review of the comments and further evaluation of the potential effects of the proposed requirements, it has been concluded that neither is likely to produce a significant upgrading of vehicle protection, and that their costs would far outweigh their benefits.

The preamble to the notice indicated that the intent of the operability requirement was to prevent filament breakage. Most of the comments pointed out that the SAE requirements incorporated by Standard No. 108 do not prohibit filament failure during endurance tests, and in fact expressly permit replacement in the event of failure. This is consistent with the prevailing treatment of bulb replacement as a part of routine maintenance. In light of this fact, and of the small amount of time and energy involved in replacing a bulb, it has been decided not to adopt the proposed requirement that the lamps (i.e., the bulbs) be operable.

The photometric requirements of Standard No. 108 are those of several SAE lighting standards. Each of these standards consists of a series of laboratory test procedures. On review of the comments, which are unanimous in their claim that the SAE laboratory procedures are difficult to adapt to the circumstances of Standard No. 215 and that they go beyond the stated purpose of the standard, it has been decided not to adopt the photometric requirements. Thus, the protective criteria with respect to lighting will continue to be visibility, headlamp aiming, and freedom from cracks.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 215 Exterior protection, 49 CFR 571.215, is amended as follows:

1. S5.3.1 is amended to read:

S5.3.1 Each lamp or reflective device, except license plate lamps, shall be free of cracks and shall comply with the applicable visibility requirements of S4.3.1.1 of Standard No. 108 (§ 571.108). The aim of each headlamp shall be adjustable to within the beam aim inspection limits specified in Table 2 of SAE Recommended Practice J599b, July 1970, measured with a mechanical aimer conforming to the requirements of SAE standard J602a, July 1970.

2. S6.1.5 is added to read:

S6.1.5 Trailer hitches are removed from the vehicle.

Effective date: September 1, 1972.

Because this amendment modifies an existing rule in a manner that imposes no additional substantive requirements, it is found for good cause shown that an effective date less than 180 days from the date of issuance is in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority, 49 CFR 1.51)

Issued on August 14, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-14050 Filed 8-16-72;10:43 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO-333-A4]

GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Decision and Referendum Order Regarding Proposed Limitation of Handling

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Vero Beach, Fla., on June 7, 1972, after notice thereof published in the FEDERAL REGISTER (37 F.R. 10575) on proposed further amendment of the marketing agreement and order (7 CFR Part 912) regulating the handling of grapefruit grown in the Indian River District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of evidence adduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Agricultural Marketing Service, on July 24, 1972, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 11726; 37 F.R. 15167). No exception was filed.

The material issues, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 72–11726; 37 F.R. 15167) are hereby approved and adopted as the material issues, rulings, findings, and conclusions, and the general findings of this decision as if set forth in full herein.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida" and "Order Amending the Order as Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1971, through July 31, 1972 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Indian River District in Florida in the production of grapefruit for market to ascertain whether such producers favor the issuance of said annexed order.

Minard F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Post Office Box 9, Lakeland, FL 33802, telephone 813—686-6731, is hereby designated referendum agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1973, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, that all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended and further amended by the with this decision.

Dated: August 16, 1972.

RICHARD E. LYNG,
Assistant Secretary.

ORDER [1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

§ 912.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Fla., June 7, 1972, upon proposed amendment of the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912) regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended and as hereby further amended, regulates the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the producton area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended and as hereby further amended, as follows:

Amendments numbered 1 through 3 of the recommended amendment of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

marketing agreement and order, as published in the FEDERAL REGISTER (F.R. Doc. 72-11726; 37 F.R. 15167), relating to Part 912—Grapefruit Grown in the Indian River District in Florida, are hereby adopted and incorporated into this order as the terms and conditions thereof as if set forth in full herein.

1. Section 912.7 *Handle or ship* is revised to read as follows:

§ 912.7 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way, to place grapefruit in the current of commerce between the regulation area and any point outside thereof.

2. Paragraph (a) of § 912.46 *Recommendations for volume regulation* is revised to read as follows:

§ 912.46 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during the next succeeding week: *Provided,* That such regulations shall not be recommended during the period beginning with and including the first full week in January and ending with but not including the first full week in May after regulations during such period have limited the volume of grapefruit handled during 12 weeks.

* * * * *

3. Section 912.47 *Issuance of volume regulation* is revised to read as follows:

§ 912.47 Issuance of volume regulation.

Whenever the Secretary finds, from information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulations shall not, in the aggregate, limit the volume of grapefruit shipments during more than 12 weeks of the period beginning with and including the first full week in January and ending with but not including the first full week in May. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act. The quantity so fixed for any week may be increased by the Secretary at any time during such week. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

[FR Doc.72-14123 Filed 8-18-72;8:50 am]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Proposed Limitation of Handling

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108-932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment to said rules and regulations was unanimously proposed by the Olive Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof.

The current provisions of § 932.109 contain a definition of "canned ripe olives of the tree-ripened type" and a termination date of August 31, 1972. The proposed amendment would extend the provisions of the definition indefinitely. Inclusion of the definition in the rules and regulations arises from the fact that lots or sublots of natural condition olives for use as canned ripe olives of the tree-ripened type, and the packaged olives of such type, are exempt from incoming and outgoing regulation under the order if such olives are handled in accordance with the procedures specified by the order. However, the U.S. Standards for Grades of Canned Ripe Olives currently contain no specifications for canned ripe olives of the tree-ripened type, and the order does not contain a definition for olives of such type. The committee has reviewed order operations under the existing definition during the past 2 crop years and has concluded that without continuation of the definition as a basis for application of order provisions it would be possible for handlers to market, as canned ripe olives of the tree-ripened type, olives of the regulated canned ripe type which fail to meet the applicable regulatory requirements. Inasmuch as there has been no change in the terms or provisions of the definition since its inception, the Committee saw no need for limiting, to a single crop year, the applicability of the existing definition. Furthermore, the Committee may recommend a change in the definition at any time, should the need arise.

The proposal is as follows (for purposes of clarity the entire section, except for paragraph (b) which would be deleted, is set forth):

The provisions of § 932.109 *Canned ripe olives of the tree-ripened type* are amended to read as follows:

§ 932.109 Canned ripe olives of the tree-ripened type.

(a) "Canned ripe olives of the tree-ripened type" means packaged olives, not oxidized in processing, that are prepared from a lot of natural condition olives of advanced maturity which, at the time of delivery to the handler:

(1) Range in color from pinkish red, with some greenish cast, to black; and

(2) Have not more than 10 percent, by count, of "off-color" olives ("off-color" means those olives whose greenish cast covers more than 50 percent of the surface of the individual olives).

* * * * *

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of the notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 16, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-14125 Filed 8-18-72;8:53 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 242]

HERRING FISHERIES

Notice of Proposed Rule Making

At a special midyear meeting held in Rome, Italy, January 31–February 7, 1972, the International Commission for the Northwest Atlantic recommended that member governments take appropriate action to regulate the catch of herring under their jurisdiction. The Commission recommended annual catch quotas to those countries that have an interest in the conservation of herring in Subareas 4 and 5.

Following conclusion of the Rome meeting, several meetings and conferences were held with key members of the industry and representatives from several New England States to discuss the herring quotas allocated to the United States for 1972 and the mechanics for implementation. Objections regarding the areas where adult herring are caught for inclusion in the allocation for the United States were resolved. The industry also preferred to have regulations on an annual basis rather than quarterly or some other time period.

After consideration of the views expressed by industry, new Part 242 is hereby proposed.

It is proposed in § 242.1 to establish herring as a regulated species.

It is proposed in § 242.2 to establish an annual catch quota for herring in Subareas 4 and 5 of the convention area. In computing the annual catch under proposed § 242.2(b)(1), NMFS will include herring taken from Statistical Area 6, but will not include herring taken from the territorial sea.

It is proposed in § 242.3 to establish a size limitation for herring in a portion of Division 4W and in Division 4X of Subarea 4 and in Subarea 5.

It is proposed in § 242.4 to establish an open season in each subarea for herring fishing.

It is proposed in § 242.5 to establish closed seasons and closed areas for herring fishing.

It is proposed in § 242.6 to establish an incidental catch allowance for herring.

It is proposed in § 242.7 that certain restrictions shall apply during the period when the fishing season for herring is closed.

It is proposed in § 242.8 to establish a license system for herring fishing and to require certain records be maintained by persons fishing for herring and by those persons purchasing herring.

The proposed new part is to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

Prior to the final adoption of the proposed new part, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235, within the period of 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Final publication of this new part will not be done until all member governments have given final approval to the Commission's recommendation or the 6 months' waiting period has elapsed in accordance with Article VIII of the International Convention for the Northwest Atlantic Fisheries, whichever is sooner.

Issued at Washington, D.C., and dated August 16, 1972.

T. P. GLEITER,
Assistant Administrator for Administration.

PART 242—HERRING FISHERIES

Sec.
242.1 Definitions.
242.2 Catch quotas.
242.3 Size limits.
242.4 Open season.
242.5 Closed season and areas.
242.6 Incidental catch.
242.7 Restrictions on fishing vessels.
242.8 Licenses, reports, and record keeping.

AUTHORITY: The provisions of this Part 242 issued under subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

§ 242.1 Definitions.

(a) *Terms.* Unless otherwise defined herein, the terms used in this part shall have the meanings ascribed to them in Part 240 of this subchapter.

(b) *Regulated species.* Regulations in this part shall apply to herring (*Clupea harengus* (L.)) found in Subareas 4 and 5 of the convention area.

(c) *Open season.* The time during which herring may lawfully be captured and taken on board a fishing vessel without limitation.

(d) *Closed season.* The time during which herring in specified areas may not be taken in quantities exceeding the amounts allowed as an incident to fishing for other species.

(e) *Authorized official.* Any representative of the National Marine Fisheries Service (NMFS), U.S. Coast Guard, or U.S. Customs Service, authorized to enforce this part.

(f) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, MA 01930. Telephone number, Area Code (617) 218–0640.

§ 242.2 Catch quotas.

(a) A limitation is placed upon the quantity of herring permitted to be taken in Division 5Z of Subarea 5 and in the adjacent waters to the west and south, from Division 5Y of Subarea 5 and from that portion of Division 4W south of 44°52′ N. latitude and in Division 4X of Subarea 4.

(b) The aggregate catch of herring during 1972, by persons or fishing vessels under the jurisdiction of the United States in each area, is as follows:

(1) The annual catch in Division 5Z of Subarea 5 and in the adjacent waters to the west and south shall not exceed 4,000 metric tons.

(2) The annual catch in Division 5Y or Subarea 5 shall not exceed 21,000 metric tons.

(3) The combined annual catch by member countries in that portion of Division 4W south of 44°52′ N. latitude and in Division 4X of Subarea 4, for which specific allocations have not been assigned, shall not exceed 1,000 metric tons.

§ 242.3 Size limits.

A size limit is placed on the length of herring permitted to be taken by persons or fishing vessels, under the jurisdiction of the United States, in those portions of Division 4W south of 44°52′ N. latitude and Division 4X south of 43°50′ N. latitude of Subarea 4 and in Subarea 5.

(a) The taking or possession of herring less than 9 inches (22.7 cm.), measured from the tip of the snout to the end of the tail, is prohibited except as provided in paragraph (b) of this section. (b) A person may take herring in any year, less than 9 inches (22.7 cm.), measured as specified in paragraph (a) of this section: *provided,* That the total amount taken does not exceed 10 percent by weight of all herring caught in the areas above, specified by that fishing vessel during such year.

§ 242.4 Open season.

The open season for herring shall begin at 0001 hours of the first day of January each year and terminate in each subarea at a time and date to be determined and announced as provided in § 242.5.

§ 242.5 Closed season and areas.

(a) The Service Director shall maintain records of the catches of herring by fishing vessels subject to quota allocations in Subareas 4 and 5, and Statistical Area 6 during the open season. The Service Director shall announce the closure dates for herring fishing in Divisions 5Y and 5Z of Subarea 5, when the accumulated catch and estimated catch of herring, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 242.2(b) (1) and (2). Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

(b) The Executive Secretary shall maintain records of the catches by fishing vessels, of all contracting governments participating in fishing for herring, subject to quota regulations in Subareas 4 and 5, during open seasons for which specific allocations have not been assigned. The Executive Secretary shall notify the United States when the accumulated catch and estimated catch of herring in Divisions 4W and 4X of Subarea 4, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 242.2(b). The Service Director shall announce the closure dates for the Divisions 4W and 4X of Subarea 4 herring fishing season within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

§ 242.6 Incidental catch.

Except as otherwise provided in this part, nothing contained in § 242.7 shall apply to any person or vessel that, in the course of fishing in Subareas 4 or 5 for species not regulated under this part, takes and possesses a quantity of herring not to exceed 10 percent by weight of all fish on board the vessel taken in the subarea where fishing was conducted. The exception provided in this section shall apply separately in Subareas 4 and 5. However, such vessel, its gear and equipment, shall be subject to inspection, at reasonable times, for the purposes of this Part by authorized officials.

§ 242.7 Restrictions on fishing vessels.

(a) Except as provided in § 242.6, and as provided below, after the date announced in manner provided in § 242.5 for the closing of the herring fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess herring taken in the closed subareas or to land herring taken in those subareas in any port or place until the next succeeding open season for herring.

(b) In the event of an annual closure in Division 5Y or 5Z in Subarea 5 as provided in § 242.5, any fishing vessel, which had departed port to engage in herring fishing in Subarea 5 prior to the date of closure, may continue to take and retain herring in that subarea after the closure, for a period of time not to exceed 2 days, at which time fishing for herring in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 2-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(c) In the event of an annual closure in Division 4W or 4X in Subarea 4 as provided in § 242.5, any fishing vessel, which had departed port to engage in herring fishing in Subarea 4 prior to the date of closure, may continue to take and retain herring in that subarea after the closure, for a period of time not to exceed 4 days, at which time fishing for herring in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 4-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

§ 242.8 Licenses, reports, and record keeping.

(a) The license and the log book required under this section shall be issued without fee by authorized officials of the Government of the United States.

(b) Unless permitted to do so by § 242.6, no person shall engage in fishing for herring within Subareas 4 and 5 of the Convention area, nor shall any person possess, transport or deliver, by means of any fishing vessel, herring taken within such area except under a license issued, and in force, in conformity with the provisions of this part.

(1) The owner or operator of a fishing vessel may obtain, without charge, a license by furnishing, on a form to be supplied by NMFS, information specifying the names and addresses of the owner and the operator of the vessel; the name, official number, and home port of the vessel; and the period for which the license is desired. The form shall be submitted, in duplicate, to the Regional Director, who shall grant the license for the duration specified by the applicant, in the form, but in no event to extend beyond the end of the calendar year during which the license is issued. New licenses shall similarly be issued to replace expired, lost, or mutilated licenses. An application for replacement of an expiring license shall be made, in like manner as the original application, not later than 10 days prior to the expiration date of the expiring license.

(2) The license issued by the National Marine Fisheries Service shall be carried at all times on board the vessel for which it is issued, and such license, the vessel, its gear and equipment, shall be subject to inspection, at reasonable times, for the purposes of this part by authorized officials.

(c) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

(d) The owner or operator of a fishing vessel, for which a license under this part is in force, shall furnish, on a form supplied by NMFS, immediately upon landing a catch of herring made by means of such vessel, a report (See 18 U.S.C. 1001 (1970)), certified to be correct by the owner or operator, listing the total weight of all herring landed. Failure to submit a certified report pertaining to the catches of herring as required by this paragraph shall be cause for the Regional Director to revoke the license issued under this section.

(e) All persons, firms or corporations, that shall buy from fishing vessels, or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, herring taken within the Convention area by a fishing vessel of the United States, shall keep and shall furnish to an authorized official of the National Marine Fisheries Service, within 72 hours of sale, records of each purchase.

(1) The statistical record furnished by the National Marine Fisheries Service must be completed and correct in all respects.

(2) The possession by any person, firm or corporation of herring, which such person, firm or corporation knows to have been taken by a vessel of the United States, without a valid license, is prohibited.

(f) The owner or operator of any fishing vessel holding a license under the regulations of this part shall keep, on forms furnished by NMFS, a daily log of fishing operations showing position, amount, date, type of gear, unit of effort, discards and disposition of herring catch. Such logs shall be available for reasonable inspection by authorized officials of the Government of the United States. At the conclusion of each fishing voyage, the duplicate of the log sheet shall be delivered to an authorized official of NMSF, Coast Guard, or Customs.

(g) For the purposes of inspection, NMFS officials shall have reasonable access to any area on board a fishing vessel, transport, or shore facility where fish are landed, handled, stored, or processed, and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

[FR Doc.72-14055 Filed 8-18-72;8:46 am]

[50 CFR Parts 261, 263, 266, 276, 277, 279]

SELECTED FISHERY PRODUCTS

Statement of Findings and Intent

AUGUST 11, 1972.

In the June 10, 1972, issue of the FEDERAL REGISTER a notice was published by the National Marine Fisheries Service regarding the application of recent technological innovations to separate fish flesh from skin and bone. Such separated fish flesh can be processed into various end item fishery products as well as into uniformly shaped rectangular blocks. Fish blocks thus formed have a potential for being further processed into portion-controlled fish sticks and portions.

The June 10, 1972, notice also described the traditional "frozen fish blocks" prepared from fillets of fish and pieces thereof, and explained that the essential difference between the two types of blocks lies in the state of the fish flesh prior to processing.

It was further explained in the June 10, 1972, notice that voluntary quality standards for fish blocks, sticks, and portions were developed and promulgated by NMFS during the period 1954–70, and based upon research carried out on blocks of the historical type and end item products made therefrom. However, inadequate studies have been carried out on the newer type fish blocks and products made therefrom.

In view of significant interest expressed relative to the newer type products by industry representatives, and in order to insure consideration of all legitimate interests concerning these products, NMFS invited all interested persons to express their views relative to the need for standardization of products manufactured by the application of current technology and how this could best be done. Related views were also invited concerning how such products might be appropriately defined and designated through labeling.

The comments received relative to the notice, represented a variety of views. However, some significant points were made repeatedly so as to represent a basis of findings as follows:

1. There is a need to identify end item products manufactured from the two types of blocks to consumers clearly and in such a way as to avoid misrepresentation and/or confusion.

2. At the present time, the existing quality standards for fish blocks, fish sticks, and fish portions should remain unchanged except that some clarification of the product description for fish blocks relative to the use of "pieces of fillets" is warranted.

3. Fish blocks made by the application of mechanical separator equipment offers greater utilization of fish resources.

4. Significant consumer and industry benefits can be realized by the increased availability of end products manufactured from the new type blocks.

5. The newer type blocks and end products made therefrom merit appropriate research studies including delineation of quality characteristics and product defects with a view to the development of appropriate standards.

In light of the comments and recommendations made in the responses to the FEDERAL REGISTER notice of June 10, 1972, NMFS intends to take the following actions:

1. Clarify the product description of fish blocks relative to the use of "pieces of fillets" in the U.S. Standard for Grades of Fish Blocks (§ 263.1 of Part 263, Title 50 CFR).

2. Continue the present practice of limiting grade markings to products made from the traditional frozen fish blocks covered by present regulations.

3. Develop and recommend for use, designations for end products manufactured from the newer type blocks.

4. Upon request from applicants, make inspections of end products manufactured from the newer type blocks within the framework of existing regulations, i.e., Part 260 of Title 50, CFR.

5. Permit the use of the Federal inspection mark for end products made from the newer type blocks which have been inspected and are appropriately labeled, using recommended product designations.

6. Conduct the necessary studies to permit the development of standards for end products made from the newer type blocks.

7. Sponsor, with industry assistance, a technical seminar on mechanical recovery and utilization of fish flesh.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.72-14056 Filed 8-18-72;8:52 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[24 CFR Parts 207, 213, 220, 221, 227, 231, 232, 234, 235, 236, 241, 242, 244]

[Docket No. R-72-211]

PREPAYMENT PENALTY IN INSURED MULTIFAMILY PROJECTS

Proposed Elimination

The Department of Housing and Urban Development is considering amending Title 24 of the Code of Federal Regulations to prohibit a mortgagee from imposing a prepayment penalty when the principal amount of an insured mortgage on a multifamily project is wholly or partially prepaid. The regulation would apply to all mortgages for which a commitment is issued on and after the effective date. No prepayment penalty is permitted under present regulations relating to insured mortgages on single-family dwellings.

The regulations are to be issued under the authority of section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d) and section 211 of the National Housing Act, 12 U.S.C. 1715b.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulations. Communications should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before September 19, 1972, will be considered by the Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed amendments are as follows:

1. Section 207.14(b) is revised to read as follows:

"(b) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

2. Section 213.18(b) is revised to read as follows:

"(b) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

3. Section 220.590(a)(2) is revised to read as follows:

"(2) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

4. Section 220.590(b) is revoked.

5. Section 221.524(c) is revised to read as follows:

"(c) *Optional provision.* The loan instruments may, if required by the mortgagee, contain a provision that, with the approval of the Secretary, partial prepayments may be made, after 30 days' written notice to the mortgagee, on any principal payment date. None of the loan instruments may contain a provision for any additional charge on account of the prepayment."

6. Section 227.27 is revised to read as follows:

"All of the provisions of § 207.14 of this chapter relating to prepayment and late charge shall apply to mortgages insured under this part."

7. Section 231.12(c) is revised to read as follows:

"(c) *Optional provision.* The loan instruments may, if required by the mortgagee, contain a provision that, with the approval of the Secretary, partial prepayments may be made, after 30 days' written notice to the mortgagee, on any principal payment date. None of the loan instruments may contain a provision for any additional charge on account of the prepayment."

8. Section 231.13(b) is revised to read as follows:

"(b) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

9. Section 232.37(a)(2) is revised to read as follows:

"(2) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

10. Section 232.37(b)(3) is revised to read as follows:

"(3) *Optional provision.* The loan instruments may, if required by the mortgagee, contain a provision that, with the approval of the Secretary, partial prepayment may be made, after 30 days' written notice to the mortgagee, on any principal payment date. None of the loan instruments may contain a provision for any additional charge on account of the prepayment."

11. Section 234.545(b) is revised to read as follows:

"(b) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

12. Section 235.555(b) is revised to read as follows:

"(b) The mortgagee shall not collect any charge for the prepayment of the mortgage, whether or not the prepayment is made in connection with the sale by the mortgagor of units in the project."

13. Section 235.555(c) is revoked.

14. Section 236.30(c) is revised to read as follows:

"(c) *Optional provision.* The loan instruments may, if required by the mortgagee, contain a provision that, with the approval of the Secretary, partial prepayments may be made, after 30 days' written notice to the mortgagee, on any principal payment date. None of the loan instruments may contain a provision for any additional charge on account of the prepayment."

15. Section 241.100(a)(2) is revised to read as follows:

"(2) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

16. Section 242.51(a)(2) is revised to read as follows:

"(2) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

17. Section 242.51(b)(2) is revised to read as follows:

"(2) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

18. Section 244.65(b) is revised to read as follows:

"(b) *Prepayment charge.* None of the loan instruments may contain a provision for any additional charge in the event of prepayment of principal."

Issued at Washington, D.C., August 15, 1972.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.72-14076 Filed 8-18-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-56]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Kerrville, Tex., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments re-changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

KERRVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (latitude 29°58'41" N., longitude 99°05'11" W.); within 3 miles each side of the 134° bearing from the Kerrville RBN (latitude 29°59'11" N., longitude 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN; within 3.5 miles each side of the 306° radial from the proposed non-Federal TVOR site (latitude 30°00'29" N., longitude 99°08'15" W.) to 11.5 miles northwest.

The proposed amendment to the transition area will provide controlled airspace for aircraft executing approach/departure procedures on the proposed TVOR.

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

Issued in Fort Worth, Tex., on August 10, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-14043 Filed 8-18-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-81]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Jasper, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

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

The Jasper transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walker County Airport (lat. 33°51'55" N., long. 87°15'40" W.); within 4.5 miles each side of Birmingham VORTAC 303° radial, extending from the 6.5-mile radius area to 14 miles northwest of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Walker County Airport. A prescribed instrument approach procedure to this airport, utilizing the Birmingham VORTAC, is proposed in conjunction with the designation of this transition area.

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

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

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-14044 Filed 8-18-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-29]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The proposed additional controlled airspace would facilitate arrivals/departures at Fallon NAAS, Fallon, Nev.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Fallon, Nev., transition area is amended to read as follows:

FALLON, NEV.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the NAAS Fallon TACAN and within 2 miles northeast and 2.5 miles southwest of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles northwest of the TACAN; that airspace extending upward from 1,200 feet above the surface within 12 miles northwest and 7 miles southeast of the Hazen, Nev., VOR 061° and 241° radials, extending from 5 miles southwest to 30 miles northeast of the VOR,

within 5 miles each side of the NAAS Fallon TACAN 039° radial, extending from the TACAN to 30 miles northeast of the TACAN, within a 20-mile radius of the Fallon TACAN extending clockwise from the TACAN 050° to the 110° radials, within 23 miles southwest and 10 miles northeast of the Fallon TACAN 139° and 319° radials, extending from 10 miles northwest to 23 miles southeast of the TACAN, excluding that airspace within the Yerington and Reno, Nev., transition areas; and that airspace extending upward from 9,500 feet MSL within 23 to 44 miles southeast of Fallon TACAN bounded on the northeast by a line 10 miles northeast of and parallel to the Fallon TACAN 139° radial and on the southwest by the northeast edge of V–105 E.

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

Issued in Los Angeles, Calif., on August 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72–14048 Filed 8–18–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72–WE–30]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The additional proposed 1,200-foot AGL transition area northwest of Reno would allow the controller greater flexibility and more efficient radar vectoring of aircraft.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Reno, Nev. transition area is amended in part as follows:

At the end of the description of the Reno, Nev. transition area add "• • • and that airspace northwest of Reno extending from the 45-mile radius area bounded on the northeast by the southwest edge of V–452 and on the west by longitude 120°19'00" W."

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

Issued in Los Angeles, Calif., on August 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72–14047 Filed 8–18–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72–WE–31]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Redding, Calif., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

A new ILS is being installed at Redding Municipal Airport to serve Runway 34. An instrument approach procedure has been developed on the new facility utilizing the 162° M (180° T) bearing of the localizer course. The proposed control zone extension is required to provide controlled airspace protection for aircraft executing the new ILS instrument approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (37 F.R. 2056) the description of the Redding, Calif., control zone as amended by (37 F.R. 727) is further amended to read as follows:

REDDING, CALIF.

Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles west and 4 miles east of the Redding VOR 192° radial, extending from the 5-mile-radius zone to 8 miles south of the VOR, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.) and Enterprise Sky Park (latitude 40°34'26" N., longitude 122°19'30" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Los Angeles, Calif., on August 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72–14046 Filed 8–18–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72–WE–32]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Red Bluff, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

A new ILS is being installed at Redding Municipal Airport to serve Runway 34. An instrument approach procedure has been developed on the new facility utilizing the 162° M (180° T) bearing of the localizer course. The proposed additional 700-foot transition area is required to provide controlled airspace protection for aircraft executing the new ILS instrument procedure. The Redding control zone also requires modifying which is proposed in Airspace Docket No. 72–WE–31.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Red Bluff, Calif., transition area is amended in part as follows: Beginning in the third line of the description of the Red Bluff, Calif., transition area delete all before "* * *, extending from the 5-mile-radius area * * *" and substitute therefor "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.) and within 2 miles west and 4 miles east of the Redding VOR 192° radial, * * *"

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

Issued in Los Angeles, Calif., on August 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-14045 Filed 8-18-72;8:46 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 72-RM-8]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Proposed Designation and Alteration; Withdrawal

On May 11, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 9495) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a joint-use restricted area at Blanding, Utah, and include it in the continental control area.

Because the requirement to accommodate the missile launch schedule has not materialized, the FAA has determined that rule making action on the proposed amendments are not appropriate at the present time, and that the notice should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 72–RM–8 (37 F.R. 9495) is withdrawn.

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

Issued in Washington, D.C., on August 14, 1972.

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

[FR Doc.72-14049 Filed 8-18-72;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

2-CHLORO-1-(2,4-DICHLOROPHENYL)VINYL DIETHYL PHOSPHATE

Proposed Tolerances for Pesticide Chemical in or on Raw Agricultural Commodities

Shell International Chemical Co. Ltd., Shell Centre, London, SEI, England, submitted a petition (PP 1E1082) proposing establishment of tolerances for residues of the insecticide 2-chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate in the raw agricultural commodities fat of cattle and sheep at 0.15 part per million and the meat and meat byproducts of cattle and sheep at 0.03 part per million.

The proposed uses of this insecticide involve spray or dip applications to control certain ectoparasites on animals raised outside the United States. A minimum preslaughter interval of 3 days after application is normally observed.

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

1. Since the residues concentrate in the fat of treated animals, only the proposed tolerance of 0.15 part per million for residues in the fat of cattle and sheep should be established.

2. The pesticide is useful for the purpose for which the tolerance is proposed.

3. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that Part 180 be amended as follows:

1. In § 180.3(e)(5), by aphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

2-Chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate.

* * * * *

2. In Subpart C, by adding a new section as follows:

§ 180.322 2-Chloro-1-(2,4-dichlorophenyl)vinyl diethyl phosphate; tolerances for residues.

A tolerance of 0.15 part per million is established for residues of the insecticide 2-chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate from dermal application to animals (minimum preslaughter interval 3 days) in or on the raw agricultural commodity fat of cattle and sheep.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 14, 1972.

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

[FR Doc.72-14129 Filed 8-18-72;8:53 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19571; FCC 72-721]

STEREOPHONIC FM BROADCASTING

Transmission of Pilot Subcarrier; Restriction

In the matter of amendment of Part 73 of the Commission's rules and regulations to restrict transmission of the stereophonic pilot subcarrier by FM stations during periods of monophonic program transmission.

1. The system of stereophonic FM broadcasting authorized by the Commission utilizes a pilot subcarrier, transmitted in accordance with §73.322(b) of the stereophonic transmission standards set forth in our rules.

2. The transmission of this subcarrier during periods when a station is engaged in monophonic broadcasting, obviously, is contrary to the intent of the rules. During such periods, its emission serves no apparent useful purpose; on the other hand, its presence limits full utilization of the monophonic modulation range, and can mislead listeners, who, under the circumstances, have reason to assume the station is programing in stereo, and, accordingly, may be led to question the technical functioning of either the station or their receivers.

3. We realize that where monophonic transmissions are interspersed with stereo (for instance, where monophonic voice announcements are utilized with predominantly stereophonic program material), the suppression of the subcarrier for each of perhaps numerous short monophonic transmissions involved may be inconvenient and undesirable. Where this problem has been brought to our attention in individual cases, we have condoned the maintenance of the subcarrier during monophonic transmission for discrete periods of not longer than 5 minutes.

4. However, it would appear that some licensees fail to recognize that they have any obligation in this area, and, in the absence of a rule specifically prohibiting this practice, transmit pilot subcarriers during extended periods of purely monophonic broadcasting.

5. Accordingly, we believe it in the public interest that we exercise affirmative control in such situations, and for this purpose propose to amend our rules as set forth below. The proposed rule would permit subcarrier transmission during monophonic broadcasting only for short periods in general accordance with the informally established policy described in paragraph 3.

6. Authority for adoption of the proposed rule amendment is found in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before September 22, 1972, and reply comments on or befor October 2, 1972. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching a decision herein, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: August 9, 1972.

Released: August 14, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary,

Amend § 73.297, by adding new paragraph (c), as follows:

§ 73.297 Stereophonic broadcasting.

* * * * *

(c) Generally, the pilot subcarrier shall be transmitted only when a station is engaged in stereophonic broadcasting; *Provided, however,* That the pilot subcarrier may be transmitted during noncontiguous periods of monophonic broadcasting, each not to exceed 5 minutes in duration (e.g., when monophonic voice announcements are made in connection with predominantly stereophonic program material).

[FR Doc.72-14113 Filed 8-18-72;8:53 am]

FEDERAL POWER COMMISSION

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

[Docket No. R-446]

PUBLIC UTILITIES, LICENSEES, AND NATURAL GAS COMPANIES

Proposal Regarding Uniform System of Accounts; Notice of Extension of Time

AUGUST 15, 1972.

Amendments to the Uniform Systems of Accounts for Classes A, B, and C Public Utilities and Licensees and Natural Gas Companies; deferred income taxes, Docket No. R-446.

On August 4, and August 8, 1972, the Edison Electric Institute and the Toledo Edison Co. filed requests for a 90-day extension of time within which to file comments concerning the notice of proposed rule making issued on July 6, 1972, in the above-designated matter (37 F.R. 13805, July 14, 1972).

Upon consideration, notice is hereby given that the time is extended to and including October 20, 1972, within which any interested person may submit data, views, comments, or suggestions in writing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14094 Filed 8-18-72;8:51 am]

[1] Commissioner Robert E. Lee, Acting Chairman; H. Rex Lee and Richard E. Wiley acting as a board.

NATIONAL LABOR RELATIONS BOARD

[29 CFR Part 103]

EXERCISE OF JURISDICTION OVER SYMPHONY ORCHESTRAS

Proposed Standards

The National Labor Relations Board, pursuant to the authority vested in it by section 6 of the National Labor Relations Act, as amended (49 Stat. 452; 29 U.S.C. sec. 156), and in accordance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. sec. 553), publishes this notice that it is giving consideration to promulgation of a rule whereby it would exercise jurisdiction over symphony orchestras and establish jurisdictional standards therefor. To assist it in its consideration of this proposal the Board invites all interested persons to submit to it (1) data relevant to defining the extent to which symphony orchestras are in commerce as defined in section 2(6) of the National Labor Relations Act, and to assessing the effect upon commerce of a labor dispute in those enterprises, (2) statements of views or arguments as to the desirability of the Board exercising jurisdiction, and (3) data and views concerning the appropriate jurisdictional standards which should be established in the event the Board decides to promulgate a rule exercising jurisdiction over those enterprises. An explanatory statement published herewith summarizes existing Board policy on jurisdiction over symphony orchestras and also describes some of the types of data which the Board believes would be relevant to its deliberations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed rule should file 15 copies of the same, not later than 60 days after publication hereof in the FEDERAL REGISTER, with the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours in the Office of the Executive Secretary of the Board, Room 701, 1717 Pennsylvania Avenue NW., Washington, DC.

Dated Washington, D.C., August 22, 1972.

By direction of the Board.

JOHN C. TRUESDALE,
Executive Secretary.

Explanatory statement. The jurisdiction of the National Labor Relations Board under section 9 of the National Labor Relations Act, as amended,[1] to

[1] 61 Stat. 140, 143, 146, 29 U.S.C. secs. 158, 159, 160.

determine questions concerning representation, and under section 10 of the Act to prevent unfair labor practices, extends to all such matters which "affect commerce" as defined in section 2(7) of the Act.[2] Under section 14(c) of the Act,[3] the Board, in its discretion, may decline to assert jurisdiction over labor disputes involving any class or category of employers if such labor disputes will not have a substantial impact on commerce and provided that it had not asserted jurisdiction over such class or category prior to August 1, 1959. To date, the Board has consistently declined to assert jurisdiction over labor disputes in symphony orchestras. This policy was established in "Philadelphia Orchestra Association," 97 NLRB 548 (1951), for the stated reason that "[t]he effect on interstate commerce of the activities of a nonprofit organization like the respondent association, devoted to the presentation of musical performances of artistic merit, is too remote to warrant taking jurisdiction in a field where we have not previously asserted it."[4]

Although the Board's policy of declining jurisdiction over labor disputes in symphony orchestras has not altered since its decision in "Philadelphia Orchestra Association," the Board has responded to changing circumstances to exercise its jurisdiction for the first time over labor disputes in other sectors of the economy over which it had not theretofore exercised jurisdiction.[5] It is also now of the view that the nonprofit nature of an enterprise is irrelevant to the determination of whether jurisdiction should be asserted over a category of enterprises. "Drexel Home, Inc.", 182 NLRB 1045, 1047. In view of these changes, the Board now considers it appropriate to also reevaluate its position as to the exercise of jurisdiction over labor disputes in symphony orchestras.

The views of the symphony orchestra managers and supporters, of members of the orchestras, of governmental agencies, of labor organizations, and of the public are invited to assist the Board in that reevaluation. Interested parties are invited to address themselves to the question of whether or not the Board should assert jurisdiction over symphony orchestras, as well as what jurisdictional standards should be applied in the event the Board determines it should assert jurisdiction. The data which the Board deems desirable to enable it to make its determination encompasses a broad spectrum of information relevant to the impact of symphony orchestras on commerce, and the aspects of orchestra operations significant as possible criteria for the exercise of jurisdiction. It includes, but is not limited to, (1) the number, size, and geographic location of symphony orchestras; (2) forms of sponsorship or employment, degree and source of subsidization, and relationships to civic groups to governmental entities; (3) the number of employees in symphony orchestras and the number of employees in other enterprises or industries who may be affected by labor disputes in symphony orchestras; (4) the extent to which the operations of symphony orchestras affect other industries, e.g., tourism, transportation, etc.; (5) the interstate and international aspects of the operations of those enterprises; (6) the nature, source, and dollar volume of various forms of receipts and expenditures; (7) the extent of State regulation of labor relations and terms and conditions of employment within symphony orchestras; and (8) information on past labor disputes in those enterprises, how they arose, their impact, and how they were resolved.

It is the Board's intention to apply such standard or standards as may be adopted to all proceedings pending at the time of the adoption thereof, as well as to all proceedings which may arise thereafter.

[FR Doc.72-14121 Filed 8-18-72;8:52 am]

[2] 61 Stat. 137, 29 U.S.C. Sec. 152(7). See N.L.R.B. v. Fainblatt, 306 U.S. 601.

[3] 29 U.S.C. Sec. 164.

[4] See also Rochester Civic Music Association, Inc., 198 NLRB No. 75.

[5] E.g., gambling industry (El Dorado Inc., doing business as El Dorado Club, 151 NLRB 579); private hospitals and nursing homes (Butte Medical Properties, doing business as Medical Center Hospital, 168 NLRB 266); nonprofit colleges and universities (Cornell University, 183 NLRB No. 41); and professional baseball (the American League of Professional Baseball Clubs, 180 NLRB 190). See also Notice of Proposed Rulemaking, National Labor Relations Board, Horseracing and Dogracing Industries, Proposed Exercise of Jurisdiction, 37 F.R. 14242 (July 18, 1972).

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 5]

PROVISIONS APPLICABLE TO NON-CONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Exemption of Sale of Electricity

On page 9043 of the FEDERAL REGISTER of May 4, 1972, there was published a notice of proposed rule making to exempt from the provisions of the Contract Work Hours and Safety Standards Act contracts for the sale of electric power by the United States, its agencies, or instrumentalities, to States, counties, municipalities, cooperatives, corporations, and individuals. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

Three comments have been received, all of which were in opposition to the proposed waiver. Thus, upon full consideration of these objections, the proposal will not be adopted, and is hereby withdrawn.

Signed at Washington, D.C., this 15th day of August 1972.

HORACE E. MENASCO,
Deputy Assistant Secretary for Employment Standards.

[FR Doc.72-14080 Filed 8-18-72;8:48 am]

[29 CFR Part 10]

INTERAGENCY COMMITTEE ON CONSTRUCTION: STABILIZATION OF PRICES AND COMPENSATION

Withdrawal of Proposal

There was published in the FEDERAL REGISTER of June 30, 1971 (36 F.R. 12458), a proposal to add a new Part 10 entitled Interagency Committee on Construction: Stabilization of Prices and Compensation.

The Interagency Committee on Construction was abolished by Executive Order 11640 (37 F.R. 1213). Accordingly, the proposal to issue the new Part 10 is withdrawn.

Signed at Washington, D.C., this 15th day of August 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-14081 Filed 8-18-72;8:49 am]

Notices

CIVIL AERONAUTICS BOARD

[Docket No. 24518]

CESKOSLOVENSKE AEROLINIE

Notice of Further Postponement of Hearing Regarding Renewal of Foreign Air Carrier Permit

Notice is hereby given that the hearing in the above-entitled proceeding now scheduled for August 18, 1972 (37 F.R. 16515, August 15, 1972), is postponed to September 15, 1972, 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., on August 16, 1972.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.72-14118 Filed 8-18-72;8:51 am]

TRANSAMERICA CORP. ET AL.

Notice of Proposed Approval

Application of Transamerica Corp., Lyon Van & Storage Co., and Lyon Household Shipping, Inc., for a disclaimer of jurisdiction, or for an exemption from, or approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 24556.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 15, 1972.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority.

ORDER OF APPROVAL

Transamerica Corp. (Transamerica) and Lyon Van & Storage Co. (Lyon) request that the Board either disclaim jurisdiction, exempt, or approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) the acquisition by Lyon of its wholly owned subsidiary, Lyon Household Shipping, Inc. (Shipping).

Transamerica is a large holding company which, through subsidiaries, engages in various aspects of the insurance business, commercial and consumer finance, the motion picture business, real estate development, and the manufacture of machinery. Transamerica also wholly owns Trans International Airlines (TIA), a certificated supplemental air carrier. The Board approved the acquisition of control of TIA by Transamerica in Order E-26459, February 23, 1968. Lyon is primarily a nationwide mover of household goods, holding Interstate Commerce Commission operating authority to transport household goods throughout the continental United States. The acquisition of Lyon by Transamerica was approved in Order 70-9-54, September 10, 1970. Lyon first entered the interstate moving field in 1928, and in 1948 began freight forwarding operations to supplement its motor carrier activities. A separate division, Lyon Household Shipping Division, was established within Lyon to handle this forwarding activity. In March 1969, Shipping was reorganized as a corporate subsidiary of Lyon, and applied to the Interstate Commerce Commission for surface freight forwarding operating authority which was granted on November 22, 1971.[1] Shipping's authority is limited to the forwarding of used household goods, unaccompanied baggage, and used automobiles in the continental United States and Hawaii.

No comments relative to the application have been received.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Transamerica is a person controlling an air carrier (TIA) and Shipping is a common carrier, both within the meaning of section 408 of the Act, and that the transaction is subject to section 408(a)(5) thereof. The establishment of a surface freight forwarding subsidiary with limited authority as part of the Lyon group of companies, while altering the number and nature of the various companies under common control with TIA, results in essentially the same relationships and questions present when the Board approved the control of the Lyon companies in Order 70-9-54.[2] In this regard, the same findings in the earlier proceeding appear in order in the instant proceeding. Thus, Shipping will not exercise control over Transamerica or TIA; Shipping, which will be engaged primarily in the forwarding of used household goods, will not compete to any significant extent with TIA; and any possibility of unfair competition can be resolved through the imposition of conditions similar to those applied in Order 70-9-54.

In light of the foregoing, it is not found that the proposed control relationships between Transamerica and Shipping will be inconsistent with the public interest, or that the conditions of section 408 will be unfulfilled. The proposed control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require one.

The approval granted herein will extend only to those relationships identified in the application. The approval does not apply to the future modification or expansion of the operating rights of Lyon or Shipping or any affiliate or subsidiary company where such expansion or modification would result in control situations subject to section 408 of the Act—either through acquisition of operating rights or additional entities or the issuance of additional operating authority. The Board will thus continue to maintain initial jurisdiction over such transactions, as may be subject to section 408 of the Act and require the applicants to demonstrate that no regulatory problems concerning TIA's air transportation activities are presented by such transactions.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing relationships should be approved under the third proviso of section 408(b) of the Act, and that the application, to the extent it requests a disclaimer of jurisdiction or an exemption, should be dismissed.

Accordingly, it is ordered, That:

1. The control relationships described herein between Transamerica and Shipping be and they hereby are approved under section 408 of the Act subject to the following conditions:

a. TIA, on the one hand, and Lyon and its subsidiaries, on the other, shall not provide connecting service or joint service, nor advertise or hold out to the public that their operations are connected in any way, nor shall they in any way solicit business for each other.

b. The approval shall be effective only so long as Lyon and its wholly owned subsidiaries do not engage in the air freight forwarding business, or act as agents for any air freight forwarder.

c. Lyon and its wholly owned subsidiary may not become IATA agents, nor act as agents for any other IATA agent.

d. The transactions described in paragraph 1(h) of Order E-26459, adopted by the Board on February 23, 1968, shall include, but are not limited to: (i) Compensation, direct or indirect, through any person not a part of the Transamerica group, by one Transamerica subsidiary or affiliated company for goods supplied or services rendered by another Transamerica subsidiary or affiliated company, and/or (ii) actions by one Transamerica subsidiary or affiliated company as sales representative or agent of another Transamerica subsidiary or affiliated company.

2. Jurisdiction over this proceeding be and it hereby is retained for the purpose of (i) reexamining at any time the control relationships involved herein; and (ii) imposing at any time, with or without hearing, such further conditions as it may be found to be just and reasonable.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon

---

[1] Although Shipping was organized in 1969, it has remained just a corporate shell pending final action on its application for surface freight forwarding authority. In this connection, the Interstate Commerce Commission, on June 22, 1972, denied a petition for reconsideration of its earlier decision granting Shipping the authority requested. Thus, it is understood that Shipping will become active shortly.

[2] Also see Order 72-7-85, July 25, 1972.

expiration of the above period, unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-14119 Filed 8-18-72;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

AVITROL CORP.

Notice of Establishment of Temporary Tolerance

Avitrol Corp., 7644 East 46th Street, Tulsa, OK 74145, submitted a petition (PP 3G1297) requesting a temporary tolerance for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodity sunflower seed at 0.1 part per million. The treated sunflower seed is to be of the variety which is not used for human consumption.

It has been determined that a temporary tolerance on sunflower seed at 0.1 part per million is safe and will protect the public health. It is therefore established as requested on condition that the bird repellent be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Avitrol Corp. name.

This temporary tolerance expires August 14, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: August 14, 1972.

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

[FR Doc.72-14127 Filed 8-18-72;8:53 am]

ROHM AND HAAS CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H5019) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in apple pomace at 0.3 part per million. Such residues would result from application of the fungicide and insecticide to growing apples as proposed in Pesticide Petition No. 9F0847 (notice of which was published in the FEDERAL REGISTER of July 9, 1969 (34 F.R. 11386)).

Dated: August 14, 1972.

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

[FR Doc.72-14128 Filed 8-18-72;8:53 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 609]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 14, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

626-C2-P-73—A. W. Brothers (New), for a new air-ground station to be located 2 miles northeast of Boulder at Red Mountain, Nev., to operate on 454.675 and 454.700 MHz base.

647-C2-P-(2)-73—KVET Broadcasting Co., Inc. (New), for a new two-way station to be located west of Trail of the Madrones Road, Austin, Tex., to operate on 454.125 and 454.250 MHz.

648-C2-P-73—West Virginia Telephone Co. (KQD316), replace transmitter operating on 152.690 MHz located on Backbone Mountain, W. Va.

652-C2-P-73—South Central Bell Telephone Co. (KIJ359), replace transmitter operating on 152.750 MHz located at the corner of 18th Avenue and 32d Street, Sheffield, Ala.

653-C2-P-(4)-73—Contact (KGC223), for additional facilities to operate on 35.220 and 43.220 MHz for FM transmitters at location No. 1: 12 South 12th Street, Philadelphia, PA and additional facilities to operate on 35.220 and 43.220 MHz at a new site described as location No. 3: 1250 East Mermaid Lane, Philadelphia, PA.

671-C2-AL-73—Baxley Radio, consent to assignment of license from William L. Lewis, doing business as Baxley Radio, assignor, to Baxley Radio-Telephone, Inc., assignee. Station: KLF581 Baxley, Ga.

672-C2-P-73—Collins Communications Co. (New), for a new two-way station to be located near the intersection of Wyoming No. 59 and Highway No. 16, Gillette, Wyo., to operate on 152.030 MHz.

732-C2-P-(3)-73—Answerite Professional Telephone Service (New), for a new two-way station to be located on Route No. 526, 6 miles west of Orlando, Fla., to operate on 454.250, 454.300, and 454.350 MHz.

733-C2-AP/AL-(2)-73—McLean County Telephone Answering Service, Inc., consent to assignment of license from McLean County Telephone Answering Service, Inc., assignor, to WJBC Communications Corp., assignee. Stations: KSA746 and KRM966 Bloomington, Ill.

735-C2-P-73—Venice Mobilphone (New), for a new two-way station to be located at 1.7 miles southeast of Venice, La., to operate on 152.210 MHz.

736-C2-AL-(2)-73—Mueller Electronics, Inc., consent to assignment of license from Mueller Electronics, Inc., assignor, to Radiofone Corp. of New Jersey, assignee. Stations: KEC744 Atlantic City and KEC746 Cape May, N.J.

737-C2-P-73—K & M Management Co. (KGA805), add FM transmitter to operate on 43.50 MHz located at 225 South 15th Street, Philadelphia, PA.

738-C2-P-73—Morris Communications, Inc. (KLF505), change the antenna system and relocate facilities operating on 152.030 MHz to the Spartanburg Housing Authority Apartment Building, 764 North Church Street, Spartanburg, SC.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

744–C2–P–73—Curtin Call Communications, Inc. (KTS230), for additional facilities to operate on 158.700 MHz located at Mosinee Hill, 1 mile west of Rothschild, Wis.

745–C2–P–(7)–73—South Central Bell Telephone Co. (KIC343), for additional base facilities to operate on 454.375, 454.450, 454.475, 454.525, 454.600, and 454.625 MHz at approximately 7.5 miles south of Nashville, Tenn. and test facilities to operate on 459.375, 459.450, 459.475, 459.525, 459.600, and 459.625 MHz, 201 Church Street, Nashville, TN.

746–C2–P–(3)–73—Custom Radio (New), for a new two-way station to be located at South Middle Butte in Pumpkin Butte Group, Wyo., to operate on 152.120 MHz.

773–C2–TC–(3)–73—Certified Telephone Answering Service, consent to transfer of control from Willa M. Schnable and Willa Ann Kheim, transferors, to Communications Properties, Inc., transferee. Stations: KAF240 and KAD925 Clayton, Mo., and KRS635 St. Louis, Mo.

Major Amendment

8739–C2–P–72—Southwestern Communication Service (New), amended to change base frequency to 152.060 MHz. All other particulars remains as reported on Public Notice No. 600, dated June 12, 1972.

RURAL RADIO SERVICE

739–C1–P–73—Stockton Mobilphone, Inc. (New), for a new rural subscriber station to be located on Venice Island, at southeasternmost point, 12.6 miles southeast of Rio Vista, Calif., to operate on 158.610 MHz.

740–C1–P–73—RCA Alaska Communications, Inc. (WGG28), change frequencies to 157.95 and 158.01 MHz. Location: Olson & Son Store, Golovin, Alaska.

769–C1–P/L–73—CFR Corp. doing business as Mobilfone of Baton Rouge (New), for a new rural subscriber station to operate with (20 units) at any temporary location within the territory of the applicant. Frequencies: 158.49, 148.61, and 158.64 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

INFORMATIVE: Western Tele-Communications, Inc., has filed a new application for Escondido, N. Mex., file no. 512–C1–P–73. The frequency and point of communication proposed in this new application have been deleted from application 6789–C1–P–70 for the same station. This action separates WTCI's specialized carrier proposal, as contained in applications 6776 through 6793–C1–P–70, into two parts. The first part was granted July 26, 1972, and consists of applications 6776 through 6790–C1–P–70. The second part consists of 6791 through 6793–C1–P–70 and 512–C1–P–73. Since this new application makes no change to the original proposal (other than separation into two parts), the 30-day period specified by section 309(b) of the Communications Act does not apply.

Application 6789–C1–P–70 was filed April 16, 1970, and appeared on Public Notice April 27, 1970, FCC Report No. 489.

512–C1–P–73—Western Tele-Communications, Inc. (New), new station at Escondido, 19 miles east-southeast of Desert, N. Mex. Latitude 32°08'16" N., longitude 105°52'14" W. Frequency 3810V MHz toward Pickett Hill, N. Mex., azimuth 88°11'.

666–C1–P–73—Northwestern Bell Telephone Co. (New), new station at First Northeast and Central Avenue, East Garrison (McLean), N. Dak. Latitude 47°39'06" N., longitude 101°24'55" W. Frequency 5952.6H MHz toward Riverdale, N. Dak.

667–C1–P–73—Same (KBT66), between Third and Fourth Streets and Nebraska and 1A Avenue, Riverdale, N. Dak. Latitude 47°29'53" N., longitude 101°22'8" W. C.P. to add frequency 6204.7H MHz toward Garrison, N. Dak.

668–C1–P–73—North Carolina Telephone Co. (KIW72), U.S. Highway No. 74, Marshville, N.C. Latitude 34°59'06" N., longitude 80°22'09" W. C.P. to change frequencies 5974.8 and 6093.5 to 5989.7H and 6108.3H MHz toward Wadesboro, N.C.

669–C1–P–73—Same (KIW73), 311 Morgan Road, Wadesboro, N.C. Latitude 34°57'45" N., longitude 80°04'31" W. C.P. to change frequencies 6226.9 and 6345.5 to 6241.7H and 6360.3H MHz toward Marshville, N.C.; change frequencies 6286.2 and 6404.8 to 6301.0H and 6419.6H MHz toward Norwood, N.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

670–C1–P–73—Same (KJK89), U.S. Highway No. 52 Norwood (Stanley) N.C. Latitude 35°13'36" N., longitude 80°07'23" W. C.P. to change frequencies 6034.2 and 6152.8 to 6049.0H and 6167.6H MHz toward Wadesboro, N.C.

711–C1–MP–73—KHC Microwave Corp. (WIV68), 3 miles southwest of Lake Charles, La. (latitude 30°09'54" N., longitude 93°15'18" W.): Modification of C.P. (3687–C1–P–70)—(a) to relocate station from Mossville, La., to Lake Charles, at foregoing coordinates, using new frequencies 5974.9H MHz and 6034.2H MHz toward new point of communication at Lacassine, La., on azimuth 76°07' and (b) to delete Roanoke, La., as point of communication.

712–C1–P–73—Same (New), 2 miles east of Lacassine, La. (latitude 30°14'47" N., longitude 92°58'36" W.): C.P. for a new station—using frequencies 6241.7H MHz and 6301.0H MHz toward Jennings, La., on azimuth 88°27'.

713–C1–MP–73—Same (WIV66), Jennings, La. (latitude 30°14'06" N., longitude 92°38'13" W.): Modification of C.P. (401–C1–P–68)—(a) to relocate station from Roanoke, La., to Jennings, at foregoing coordinates, using new frequencies 5974.9V MHz and 6034.2V MHz toward Crowley, La., on azimuth 96°38' and (b) to delete Jennings and Rayne, La., as points of communication.

714–C1–MP–73—Same (WIV71), 2 miles west of Crowley, La. (latitude 30°12'46" N., longitude 92°24'10" W.): Modification of C.P. (400–C1–P–68)—(a) to change frequencies to 6226.9H MHz and 6286.2H MHz toward Abbeville, La. (latitude 29°58'44" N., longitude 92°09'19" W.), on azimuth 137°19'; (b) to change frequencies to 6226.9V MHz and 6286.2V MHz toward Kaplan, La. (latitude 30°01'39" N., longitude 92°17'17" W.), on azimuth 151°41'; (c) to add frequencies 6226.9V and 6286.2V MHz toward new point of communication at Lafayette, La. (latitude 30°09'51" N., longitude 92°05'16" W.), on azimuth 100°00'; and (d) to add frequencies 6226.9H MHz and 6286.2H MHz toward new point of communication at Rayne, La. (latitude 30°14'20" N., longitude 92°14'03" W.), on azimuth 79°15'. (Informative: KHC proposes (a) to modify the physical layout of its St. Charles to Abbeville microwave system for the purpose of improving system efficiency and (b) to provide the signals of television stations KHTV and KUHT, both of Houston, Tex., to a new customer, all Channels Cable TV, Inc., in Lafayette, La.).

715–C1–P–73—KHS Microwave Corp. (New), 0.2 mile east of Marshall, Tex. (latitude 32°32'18" N., longitude 94°20'51" W.): C.P. for a new station—using frequencies 6226.9H MHz, 6345.5H MHz, and 6286.2H MHz toward Trees, La., on azimuth 45°48'.

716–C1–P–73—Same (New), 1 mile southwest of Trees, La. (latitude 32°47'04" N., longitude 94°02'51" W.): C.P. for a new station—using frequencies 5974.8H MHz and 6034.2H MHz toward Bossier City, La. (latitude 32°30'46" N., longitude 93°42'39" W.), on azimuth 135°33'. (Informative: KHC proposes to provide the television signals of stations KTVT and KERA–TV of Dallas-Fort Worth, Tex., to its customer, LVO Cable, Inc., in Bossier City, La.).

717–C1–P–73—Mountain Microwave Corp. (KZI53), 1.5 miles south-southwest of Huron, S. Dak. (latitude 44°20'05" N., longitude 98°14'00" W.): C.P. to add frequency 11,345V MHz toward New DeSmet, S. Dak., on azimuth 69°17'.

718–C1–P–73—Same (WAY46), 9 miles northwest of DeSmet, S. Dak. (latitude 44°29'42" N., longitude 97°38'07" W.): C.P. to add frequency 11,095V MHz toward Toronto, S. Dak., on azimuth 80°25'.

719–C1–P–73—Same (WDE42), 3 miles northwest of Toronto, S. Dak. (latitude 44°36'22" N., longitude 96°40'52" W.): C.P. to add frequencies 11,465V MHz and 11,625V MHz toward Moody, S. Dak., on azimuth 173°54'.

720–C1–P–73—Same (New), 8 miles southwest of Elkton, S. Dak. (latitude 44°10'18" N., longitude 96°37'00" W.): C.P. to add frequencies 11,015V MHz and 10,855V MHz toward Miller, S. Dak., on azimuth 217°28'.

721–C1–P–73—Same (New), Miller, 5 miles northeast of Montrose, S. Dak. (latitude 43°43'39" N., longitude 97°05'06" W.): C.P. to add frequencies 11,625V MHz and 11,465V MHz toward Sioux Falls, S. Dak., on azimuth 125°42'. (Informative: Mountain proposes to provide the television signals of stations KWGN–TV of Denver, Colo., and WTCN–TV of Minneapolis, Minn., to its customer, Sioux Falls Cable TV, in Sioux Falls.).

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

722–C1–P–73—Eastern Microwave, Inc. (KEM58), Helderberg Mountain, 1.75 miles northwest of New Salem, N.Y. (latitude 42°38'12" N., longitude 73°49'45" W.): C.P. to add frequencies 5960.0V MHz, 6019.3V MHz, and 6078.6V MHz, via power-split, toward Albany, N.Y. (latitude 42°40'51" N., longitude 73°45'21" W.), on azimuth 75°54'. (Informative: Eastern proposes to provide the television signals of stations WPIX–TV, WOR–TV, and WNEW–TV, all of New York City, to its customers, Capital Cablevision Systems, Inc., and Capital District Better TV, Inc., in Albany, N.Y. Both CATV systems have common ownership.).

723–C1–P–73—Eastern Microwave, Inc. (KEM49), Smith Hill, N.Y. (latitude 43°08'38" N., longitude 75°10'40" W.): C.P. (a) to relocate existing Rome, N.Y., receiving site to latitude 43°13'21" N., longitude 75°29'08" W. and (b) to change azimuth toward Rome to 289°20'.

INFORMATIVE: MCI St. Louis-Texas, Inc., has filed a new application for Chetopa, Kans. The frequency and point of communication contained in this new application have been deleted from application, file no. 4108–C1–P–72, for the same station. This action separates the proposal contained in application, file nos. 5922 through 5931–C1–P–70, 2598 and 2599–C1–P–72, 4107 through 4123–C1–P–72 and 5818 through 5825–C1–P–72, into two parts. Since this new application makes no change to the existing proposal (other than separation into two parts), the 30-day period specified by section 309(b) of the Communications Act does not apply.

Application 4108–C1–P–72 was filed December 21, 1971, and appeared on Public Notice January 17, 1972, FCC Report No. 579. Subsequent amendments appeared on Public Notice March 6, 1972, FCC Report No. 586.

727–C1–P–73—MCI St. Louis-Texas, Inc. (New), station 2 miles northwest of Chetopa, Kans. Latitude 37°03'44" N., longitude 95°08'30" W. Frequency 5945.2V MHz toward Edna, Kans., azimuth 280°33'.

INFORMATIVE: MCI New England, Inc., has filed four new applications for Boston and West Auburn, Mass., and Staffordville and Stamford, Conn. Frequencies and points of communication contained in these new applications have been deleted from applications, file nos. 3392, 3398, 3400 and 3406–C1–P–70, for these same four stations. This action separates MCI New England's specialized carrier proposal, as contained in applications 3392 through 3396, 3398 through 3402 and 3404 through 3408–C1–P–70, 3325 through 3330–C1–P–72 and 7039 through 7041–C1–P72, into five parts. Since these new applications make no change to the existing proposal (other than separation into four parts), the 30-day period specified by section 309(b) of the Communications Act does not apply.

Applications 3392, 3398, 3400, and 3406–C1–P–70 were filed Dec. 11, 1969, and appeared on Public Notice Dec. 22, 1969, FCC Report No. 471. Subsequent amendments appeared on Public Notice Dec. 13, 1971, Jan. 17, 1972, April 10, 1972, and July 17, 1972, FCC Report Nos. 574, 580, 591 and 605, respectively.

728–C1–P–73—MCI New England, Inc. (New), station located at the Prudential Building, Boston, Mass. Latitude 42°20'49" N., longitude 71°05'00" W. Frequency 6226.9V MHz toward Sharon, Mass., azimuth 199°32'.

729–C1–P–73—Same (New), station at 25 Eddy St., Auburn, Mass. Latitude 42°10'07" N., longitude 71°52'04" W. Frequency 11175V MHz toward Worcester, Mass., azimuth 26°44'.

730–C1–P–73—Same (New), station 3.3 miles northwest of Staffordville, Conn. Latitude 42°01'19" N., longitude 72°12'30" W. Frequency 3770V MHz toward Hampden, Mass., azimuth 293°06'.

731–C1–P–73—Same (New), station at 101 Broad Street, Stamford, Conn. Latitude 41°03'18" N., longitude 73°32'20" W. Frequencies 11225H and 11625H MHz toward New Canaan, Conn., azimuth 30°18'.

741–C1–ML–73—Southern Bell Telephone and Telegraph Co. (KIV59), 508 Palmetto Avenue, Melbourne, FL. Latitude 28°04'50" N., longitude 80°36'31" W. C.P. and modification license to change polarization from V to H on frequencies 3730H, 3810H, 4130H, and 3890H MHz toward Cocoa Beach, Fla.

742–C1–ML–73—Same (KJJ81), 450 West Orange Avenue, Cocoa Beach, FL. Latitude 28°-21'26" N., longitude 80°36'49" W. C.P. and modification of license to change polarization from V to H on frequencies 3770H, 3850H, 4170H, and 3930H MHz toward Melbourne, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

774–C1–ML–(2405)–73—Informal application by American Telephone & Telegraph Co. and Bell System operating companies to modify (approximately 37,000) existing Western Electric TD–2 transmitters at 2,405 radio stations throughout the Nation to increase power to 5 watts (these transmitters are presently type accepted for a maximum power output of 2 watts). Transmitter modification would include installation of a new solid-state microwave generator, a new solid-state IF main amplifier, an improved IF filter, and a new carrier resupply device. Stated purpose of proposed changes is to improve system performance and reliability to meet the new protection channel requirements specified in section 21.100(c) of the Commission's rules, and to increase system capacity from 1,200 to 1,500 circuits per radio channel. Applicants request waiver of prior coordination requirements of section 21.100(d) and proposes the following procedure:

(1) Supplemental type acceptance information will be filed with the Commission relative to the modified TD–2 equipment, with a request that continued use of the type TD–2 equipment designation be permitted for identification of the modified transmitters inasmuch as all existing TD–2 equipment will be subject to the proposed modifications.

(2) Subject to approval of application, modification of existing TD–2 systems will commence in early 1973 (it is estimated the majority will have been modified within 5 years). Operation at the higher power will be initiated only after frequency coordination in accordance with section 21.100(d) has been completed for each radio path and the Commission's engineer in charge notified.

(3) Appropriate applications will be filed pursuant to Part 63 of the rules for any additional interstate circuits to be derived from the increased system capacity.

761–C1–P–73—The Western Union Telegraph Co. (New), Hollenberg Drive, Bridgeton, Mo. Latitude 38°45'05" N., longitude 90°26'34" W. C.P. to add frequency 6404.8V MHz toward Godfrey, Ill.

762–C1–P–73—Same (New), 3.4 miles northwest of Godfrey, Ill. Latitude 38°58'43" N., longitude 90°14'57" W. C.P. to add frequency 6152.8H MHz toward Bridgeton, Mo.; 6123.1H MHz toward Carlinville, Ill.

763–C1–P–73—Same (KSN50), 7.5 miles southeast of Carlinville, Ill. Latitude 39°13'33" N., longitude 89°45'56" W. C.P. to add frequency 6315.9V MHz toward Godfrey, Ill.

121–C1–R–73—Illinois Bell Telephone Co. (WAN84), renewal of developmental license expiring August 26, 1972; term: August 26, 1972 to August 26, 1973.

5075–C1–R–73—Indiana Bell Telephone Co. (KYS50), renewal of developmental license expiring September 12, 1972; term: September 12, 1972 to September 12, 1973.

INFORMATIVE: The applications listed below were filed by MCI Texas-Pacific, Inc., to permit separate consideration of various phases of its proposal. Applications pending for the sites below have been amended to delete these proposed facilities.

764–C1–P–73—MCI Texas-Pacific, Inc. (New), station location: 1.7 miles east-northeast of Loving, Tex. Latitude 33°16'16" N., longitude 98°28'50" W. C.P. for frequency 5945.2H MHz on azimuth 6°46' toward Windthorst, Tex.

765–C1–P–73—Same (New), 1.9 miles north of Springlake, Tex. Latitude 34°15'41" N., longitude 102°18'16" W. C.P. for frequency 5945.2V MHz on azimuth 346°34' toward Dimmitt and 6004.5V MHz toward Anton, Tex.

766–C1–P–73—Same (New), Red Mesa, 11.8 miles south of Blue Springs, N. Mex. Latitude 34°15'13" N., longitude 106°32'17" W. C.P. for frequency 5945.2V MHz toward Albuquerque, N. Mex.; 6004.5V MHz toward Monticello, N. Mex.

767–C1–P–73—Same (New), 2.4 miles northwest of Crown King, Ariz. Latitude 34°14'02" N., longitude 112°22'01" W. C.P. to add frequency 5974.8V MHz toward Wittman, Ariz.

768–C1–P–73—Same (New), 3 miles northwest of La Crescenta, Calif. Latitude 34°16'08" N., longitude 118°14'11" W. C.P. to add frequency 11685.0V MHz toward Pasadena, Calif.

Correction

UNDER INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference:

Correction—Continued

Correct to delete: Cassette Development Corp. (New) 250–C1–P–73 and Same (New) 251–C1–P–73. See Report No. 606, dated July 24, 1972.

MULTIPOINT DISTRIBUTION SERVICE

649–C1–P–73—Multi-Communications Services, Inc. (New), Des Moines Building, 405 Sixth Avenue, Des Moines, IA. Latitude 41°35'14'' N., longitude 93°37'30'' W. C.P. to add frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

650–C1–P–73—Same (New), 3 miles north-northeast of Bettendorf, Iowa. Latitude 41°34'28'' N., longitude 90°29'04'' W. C.P. to add frequencies 2154.750(Visual) and 2150.250(Aural) toward various receiving points in the system.

651–C1–P–73—Radio Americas Corp. (New), Darlington Building, Mayaguez, P.R. Latitude 18°12'28'' N., longitude 67°08'47'' W. C.P. to add frequencies 2154.75(Visual) and 2150.25 (Aural) toward various receiving points in the system.

743–C1–P–73—Radio Telephone Communications, Inc. (New), 1213 West Tharpe Street, Tallahassee, FL. Latitude 30°27'46'' N., longitude 84°18'04'' W. C.P. to add frequencies 2150.200V(Aural), 2152.325V(Visual), 2154.00V(Aural), and 2158.00V(Visual) toward various receiving points in the system.

INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

IOWA—DES MOINES

Hawkeye Micro-Transmision Co. (New), 104–C1–P–73.
Cassette Development Corp. (New), 249–C1–P–73.
Multi-Communications Services, Inc. (New), 649–C1–P–73.

IOWA—DAVENPORT

Hawkeye Micro-Transmission Co. (New), 565–C1–P–73.
Multi-Communications Services, Inc. (New), 650–C1–P–73.

PUERTO RICO—MAYAGUEZ

International Television Corp. (New), 559–C1–P–73.
Radio Americas Corp. (New), 651–C1–P–73.

POINT-TO-POINT MICROWAVE RADIO SERVICE

Major Amendment

2714–C1–P–71—United Video, Inc. (New), 0.2 mile northeast of Mount Pleasant, Iowa: Application amended to change designation of proposed station at Fairfield, Iowa, from relay to drop/relay. (Informative: United proposes to deliver two (2) Chicago TV signals, WGN–TV and WFLD–TV, to Cable Communications of Iowa, Inc., in Fairfield.)

929–C1–P–71—Same (KXQ36), 2 miles north of Kewanee, Ill.: Application amended to change polarity of frequencies 11265 MHz and 11425 MHz to horizontal and to delete frequency 11585 MHz toward Osco, Ill., on azimuth 289°29'.

930–C1–P–71—Same (New), 3 miles east-northeast of Osco, Ill. (latitude 41°21'16'' N., longitude 90°12'42'' W.): Application amended (a) to relocate station to foregoing coordinates—employing three new frequencies, 10735V MHz, 10895V MHz, and 11055V MHz, on new azimuth 302°58' toward Moline, Ill. (latitude 41°21'08'' N., longitude 90°28'52'' W.) and (b) to delete frequency 11155 MHz toward Moline. (Informative: United now proposes to carry three Chicago TV signals, WGN–TV and WTTW, in lieu of four, as previously proposed to its customer in Moline. Service to Davenport, Iowa, is no longer contemplated in these applications.)

6957 through 6959–C1–P–71—Mountain Microwave Corp.: This set of applications proposing services to Kinsley and Pratt, Kans., is amended to reflect the proposed carriage of the signal of KBMA–TV, Kansas City, Mo., in lieu of the signal of KCIT–TV of Kansas City, Mo.

6087–C1–P–70—MCI Texas East Microwave, Inc. (New), site 15, Kinwood, Tex. Add Houston, Tex., as a point of communication. Add frequency 5945.2V MHz on azimuth 214°59' toward Houston, Tex. All other particulars appearing on Public Notice No. 604 dated July 10, 1972 remain the same.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

Major Amendments—Continued

6085–C1–P–70—Same as above (New), site 16, Houston, Tex. Change proposed station location to 808 Travis Street, Houston, TX. Latitude 29°45'31'' N., longitude 95°21'53'' W. Frequencies 6197.2V MHz on azimuth 34°55' toward Kinwood, Tex. Delete frequencies 6197.2 and 6315.9 MHz on azimuth 333°49' and 6226.9 and 6404.8 MHz on azimuth 94°59'. Delete Pinehurst, Tex., and Baytown, Tex., as points of communications.

1876–C1–P–72—United Video, Inc. (New), 1 mile southwest of Trees, La. (Latitude 32°47'04'' N., longitude 94°02'51'' W.): Application amended (a) to change station from Driskill Mountain, La., to Trees, at foregoing coordinates; (b) to delete Douglas, La., as point of communication; and (c) to add frequencies 5974.8V MHz, 6034.2V MHz, and 6093.5V MHz toward new point of communication at Black Diamond, Ark., on azimuth 17°23'.

1877–C1–P–72—Same (New), 0.5 mile northwest of Black Diamond, Ark. (Latitude 33°08'26'' N., longitude 93°54'54'' W.): Application amended (a) to change station location from Douglas, La., to Black Diamond, at foregoing coordinates; (b) to delete Mount Union, La., as point of communication; (c) to add frequencies 6226.9V MHz, 6286.2V MHz, and 6345.5V MHz toward new point of communication at Texarkana, Tex., on azimuth 327°29'; and (d) to add frequencies 6226.9V MHz and 6345.5V MHz toward new point of communication at Stamps, Ark., on azimuth 62°12'.

1878–C1–P–72—Same (New), 2 miles south of Stamps, Ark. (Latitude 33°19'34'' N., longitude 93°29'39'' W.): Application amended (a) to change station location from Mount Union, La., to Stamps, at foregoing coordinates; (b) to delete Eldorado, Ark., as point of communication; and (c) to add frequencies 5945.2H MHz and 6063.8H MHz toward new point of communication at Stephens, Ark., on azimuth 81°51'.

1879–C1–P–72—Same (New), 2.5 miles south of Stephens, Ark. (Latitude 33°32'30'' N., longitude 93°04'53'' W.): Application amended (a) to change station location from Eldorado, Ark., to Stephens, at foregoing coordinates; (b) to delete Elliott, Ark., as point of communication; and (c) to add frequencies 6197.2H MHz and 6315.9H MHz toward new point of communication at Camden, Ark., on azimuth 45°04'.

1880–C1–P–72—Same (New), Camden, Ark. (Latitude 33°34'49'' N., longitude 92°50°07'' W.): Application amended (a) to change station location from Elliott, Ark., to Camden, at foregoing coordinates and (b) to change frequencies to 5974.8H MHz and 6093.5H MHz toward Elberta, Ark., on new azimuth 68°47'.

1881–C1–P–72—Same (New), 0.5 mile north of Elberta, Ark. (Latitude 33°42'09'' N., longitude 92°27'25'' W.): Application amended (a) to change station location to foregoing coordinates and (b) to change frequencies to 6226.9H MHz and 6345.5H MHz toward Rison, Ark., on new azimuth 29°23'.

1882–C1–P–72—Same (New), 4.5 miles west-northwest of Rison, Ark. (Latitude 33°58'43'' N., longitude 92°16'13'' W.): Application amended to change frequencies to 5974.8V MHz and 6093.5V MHz toward Bruce, Ark., on new azimuth 12°24'.

1883–C1–P–72—United Video, Inc. (New), 3 miles north of Bruce, Ark. Latitude 34°17'54'' N., longitude 92°11'08'' W.: Application amended (a) to change station location to foregoing coordinates and (b) to change frequencies to 6226.9H MHz and 6286.2H MHz toward Pine Bluff, Ark., on new azimuth 140°41'. (Informative: The purpose of this amendment (File Nos. 1876 through 1883–C1–P–72) is to change location of certain stations, to change/add frequencies toward certain points of communication, and to provide new service to Texarkana, Ark. In summary, United now proposes (a) to provide the television signals of stations KDTV–TV, KERA–TV, and KTVT–TV, all of Dallas/Fort Worth, Tex., to a new customer, Texarkana TV Cable Co., Inc., in Texarkana, and (b) to provide the signals of KDTV–TV and KTVT–TV to Pine Bluff Video in Pine Bluff, Ark. United proposes to acquire these signals via interconnection with KHC Microwave Corp. at Trees, La. See File Nos. 715 and 716–C1–P–73 elsewhere in this Notice.)

[FR Doc.72-13076 Filed 8-18-72;8:45 am]

[FCC 72-701]

EQUAL EMPLOYMENT OPPORTUNITY INQUIRY

JULY 28, 1972.

In processing Pennsylvania and Delaware license renewal applications the Commission examined each licensee's equal employment opportunity program (section VI of FCC Form 303) in conjunction with its 1971 and 1972 annual employment reports (FCC Form 395).

Based on this examination, the Commission is sending letters to 30 stations requesting additional information on the licensees' efforts to provide equal employment opportunity to minority persons and women. In sum, the Commission requested each licensee to explain why they believe that their employment record, as revealed in their 1971 and 1972 annual employment reports, is consistent with the Commission's equal employment opportunity rules (§§ 73.125, 73.301 and 73.680).

As the Commission stated in its 1970 report and order, 23 FCC 2d 430, concerning nondiscrimination in broadcast employment practices, statistical data for any given year may not necessarily demonstrate the existence of discriminatory employment practices at a particular station. The Commission also stated, however, that statistical data can be useful to show industry employment patterns and to raise appropriate questions as to the reasons for such patterns.

Action on the renewal applications of those stations questioned will be deferred pending completion of the Commission's inquiry. After receipt of the information requested from those stations queried, the Commission will be in a better position to evaluate the effectiveness of their equal employment opportunity programs. Also, the Commission may be better informed of the problems broadcasters are encountering in implementing their programs. Based on the experience gained, the Commission will be in a position to determine whether further action is necessary to effectuate equal employment opportunity for minority persons and women in the broadcast industry.

In the meantime, the Commission wishes to emphasize that all broadcast licensees are expected to make positive efforts to implement both the spirit and letter of this important national policy—namely, that of providing equal employment opportunity without regard to race, color, religion, national origin, or sex.

Action by the Commission July 26, 1972. Commissioners Robert E. Lee (acting chairman), H. Rex Lee, Reid, Wiley, and Hooks, with Commissioner Johnson concurring in part and dissenting in part for the reasons to be shown in statement on Delaware and Pennsylvania renewals.

Sent to all broadcast licensees.

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

[FR Doc.72-14110 Filed 8-18-72;8:51 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

AUGUST 14, 1972.

The following application was tendered July 13, 1972, seeking the identical facilities of station KWLG, Wagoner, Okla. The application for renewal of the license of KWLG was denied June 16, 1971, "Vinita Broadcasting Co., Inc., et al.", 30 FCC 2d 458, 22 RR 2d 195; reconsideration denied, 32 FCC 2d 501, 23 RR 2d 262; an appeal from that action has been dismissed, and the proceeding is now terminated. Accordingly, we have waived the provisions of note 2 to § 1.571 of the Commission's rules and have accepted this application for filing. Similarly, we will accept any other application for consolidation which proposes essentially the same facilities.

New, Wagoner, Okla., Charles R. Ingram and Robert R. Toon, doing business as NEO Broadcasting Co., Req: 1530 kHz, 250 W., Day.

Pursuant to the provisions of §§ 1.227 (b)(1), 1.591(b) and note 2 to § 1.571 of the Commission's rules, any application, in order to be considered with this application must be in direct conflict and tendered no later than September 22, 1972.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: August 11, 1972.

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

[FR Doc.72-14109 Filed 8-18-72;8:51 am]

[Dockets Nos. 19568, 19569; Files Nos. BPH-7605, BPH-7658]

LEXINGTON COUNTY BROADCASTERS, INC., ET AL.

Order Designating Applications for Consolidated Hearing

In re applications of Lexington County Broadcasters, Inc., Cayce, S.C. (requests: Channel 244A; 3 kW (H & V); 300 feet); William D. Hunt, Cayce, S.C. (requests: Channel 244A; 3 kW (H & V); 300 feet); for construction permits. Docket No. 19568, File No. BPH-7605; Docket No. 19569, File No. BPH-7658.

1. The Commission, by the Chief of the Broadcast Bureau, acting under delegated authority, has under consideration the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing must be held.

2. The applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications for a construction permit should be granted.

4. *It is further ordered,* That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

5. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: August 11, 1972.

Released: August 15, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.72-14111 Filed 8-18-72;8:51 am]

[Docket No. 19542; FCC 72-714]

RCA GLOBAL COMMUNICATIONS, INC.

Order Specifying Issues

In the matter of RCA Global Communications, Inc., proposed revisions to Tariff F.C.C. No. 58 for AVD channels between Guam and Thailand. Docket No. 19542, FCC 72-714.

1. Our memorandum opinion and order of July 14, 1972, designating the above referenced matter for hearing did not specify the issues of the proceeding and designated the Common Carrier Bureau as a party to the proceeding and directed the Chief of the Bureau to prepare a recommended decision.

Accordingly, it is ordered, That without in any way limiting the scope of the proceedings, it shall include inquiry into the following:

1. Whether the charges or practices for or in connection with this communications service are, or will be, just, reasonable, and lawful under section 201(b) of the Act;

2. Whether the charges or practices in connection with this communications service give rise to any unjust or unreasonable discrimination, or make or give away undue or unreasonable preference or advantage to any particular

customer, or any undue or unreasonable prejudice or disadvantage under section 202(a) of the Act; and

3. Whether the Commission should prescribe just and reasonable charges or practices to be followed with respect to the service under investigation; and, if so, what charges or practices should be prescribed.

It is further ordered, That the Common Carrier Bureau is hereby removed as a party to this proceeding.[1]

Adopted: August 9, 1972.

Released: August 15, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-14112 Filed 8-18-72;8:51 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 132]

FOURSQUARE CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Leader Savings and Loan Association

AUGUST 16, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Foursquare Corp., Garland, Tex., for approval of acquisition of control of the Leader Savings and Loan Association, Dallas, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash by Foursquare Corp. of the outstanding stock of Leader Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-14126 Filed 8-18-72;8:45 am]

[1] Although the Common Carrier Bureau will continue as a participant in the proceeding, it is inappropriate to designate it as a "party" to the proceeding when the chief of the Bureau has been instructed to prepare a recommended decision. In re AT&T, Docket No. 16258, 14 FCC 2d 568, 569 at para. 4 (1968).

[2] Commissioners Robert E. Lee, Acting Chair-man; H. Rex Lee and Wiley acting as a Chairman; H. Rex Lee and Wiley acting as a Board.

FEDERAL MARITIME COMMISSION

HANSEN SEAWAY SERVICE, LTD. AND STEARNS MILWAUKEE MARINE TERMINAL, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John P. Meade, Esq., 919 Eighteenth Street NW., Washington, DC 20007.

Agreement No. T-2655-1, between Hansen Seaway Service, Ltd. (Hansen) and Stearns Milwaukee Marine Terminal, Inc. (Stearns), amends the basic agreement which provides for the allocation, hiring, and assignment of available terminal, warehouse, and stevedore labor in Milwaukee, Wis. The purpose of the amendment is to allow Hansen and Stearns to provide referral, hiring, and assignment services to other maritime labor employers in the port of Milwaukee.

Dated: August 16, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-14084 Filed 8-18-72;8:52 am]

INTERNATIONAL TERMINAL OPERATING CO., INC. AND UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John Williams, Esq., Kirlin, Campbell & Keating, 120 Broadway, New York, NY 10005.

Agreement No. T-2666, between International Terminal Operating Co., Inc. (ITO) and United States Lines, Inc. (USL), is a cooperative working arrangement whereby ITO is to furnish USL with complete container and breakbulk terminal and stevedore services at berths 62, 64, and 66 at Port Elizabeth, N.J.

Dated: August 16, 1972.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-14085 Filed 8-18-72;8:52 am]

PORT OF ASTORIA AND WATERWAY TERMINAL CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George C. Fulton, Esq., Anderson, Fulton, Lavis & Van Thiel, 968 Commercial Street, Astoria, OR 97103.

Agreement No. T-2675, between the Port of Astoria (Port) and Waterway Terminals Co. (Waterway), provides for the lease of certain property which Waterway will operate as a marine terminal, either under the terms of Astoria's effective terminal tariff, or by publishing its own tariff. Waterway will pay Port 2½ cents per square foot per month for rental of the area known as House No. 4, 5, and 6 plus all wharfage and dockage fees. Wharfage on cargo transshipped betwen vessels moored at the facility will be divided equally between the parties.

Dated: August 16, 1972.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-14086 Filed 8-18-72;8:52 am]

UNITED STATES ATLANTIC & GULF-SANTO DOMINGO CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Santo Domingo Conference, 11 Broadway, New York, NY 10004.

Agreement No. 6080-20 among the member lines of the United States Atlantic & Gulf-Santo Domingo Conference amends Item 14 of the rules and regulations appended to the conference agreement entitled "On Board Bills of Lading", by adding a second paragraph to incorporate an exception so that Item 14, as thus amended, will provide as follows:

"Item 14. On Board Bills of Lading:

On Board bills of lading will not be issued unless and until the cargo is actually on board the carrying vessel and the on board endorsement shall definitely name the date on which the cargo was actually aboard.

Exception: For the purpose of this rule carrier may issue a bill of lading specifically claused 'On board lash barge' when cargo is loaded on board lash barge. No other form of 'on board' endorsement may be used until the lash barge has been loaded on the lash ship."

Dated: August 16, 1972.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-14087 Filed 8-18-72;8:52 am]

CRUISESHIP 7 N. V. AND N. V. NEDERLANDSCH-AMERIKAANSCHE STOOMVAART-MAATSCHAPPIJ

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Cruiseship 7 N. V. and N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland America Line), c/o Holland America Cruises, Pier 40, North River, New York, N.Y. 10014.

Dated: August 16, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-14089 Filed 8-18-72;8:53 am]

CRUISESHIP 7 N. V. AND N. V. NEDERLANDSCH-AMERIKAANSCHE STOOMVAART-MAATSCHAPPIJ

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Cruiseship 7 N. V. and N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland America Line), c/o Holland America Cruises, Pier 40, North River, New York, N.Y. 10014.

Dated: August 16, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-14090 Filed 8-18-72;8:53 am]

[No. 72-41]

TRUCK DETENTION AT PORT OF NEW YORK

Notice of Assignment

AUGUST 15, 1972.

The above-entitled proceeding has been assigned to me to, if necessary, receive evidence on disputed facts, and make findings with respect to proposed additions, deletions, and modifications of the proposed rules concerning truck detention at the port of New York. Copies of all communications and documents pertaining to this matter should refer to the docket number and title and be furnished to Examiner Charles E. Morgan, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573.

CHARLES E. MORGAN,
Presiding Examiner.

[FR Doc.72-14088 Filed 8-18-72;8:52 am]

FEDERAL MARITIME COMMISSION CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01237---	Aksjeselskapet Tank: Trollheim.
01201---	K/S AS Lysefejell: Lysefjell.

Certificate No.	Owner/Operator and Vessels
01254	Aktieselskapet Havbor: Havlom.
01427	Pacific Steam Navigation Co.: Orita.
01464	Christian Salvesen, Ltd.: Salvina. Salmela.
01812	Rederi M/S Rhenania: Rhenania.
01898	Sestos Shipping Co., Ltd.: River Ses.
01905	The Ben Line Steamers, Ltd.: Benhope. Bencleuch. Benmacdhi.
02064	Cia. De Navegacione Omsil S.A.: World Explorer.
02416	Boland & Cornelius, Inc.: Jack Wirt.
02458	The China Navigation Co., Ltd.: Taiyuan.
02465	Koch-Ellis Marine Contractors, Inc.: KE-37.
02829	Sociedad Naviera Pan-Europea, S.A.: M/V Alvee.
02830	Compania De Navegacion San Agustin S.A.: M/V Wikinki.
02958	Kawasaki Kisen K.K.: Kamikawa Maru.
02959	Kokuyo K.K.: Yashiokawa Maru.
02982	Shipping Corporation of India, Ltd.: Vishva Prem.
02986	Mariner Ocean Transport Co. S.A.: Eastern Enterprise.
02997	May Shipping Co., Ltd.: May.
03047	E. I. Du Pont de Nemours & Co.: Chemical 101. Chemical 102.
03148	Astromerito Cia. Naviera: Enotis.
03255	Port Line, Ltd.: Port Burnie. Port Pirie. Port Townsville.
03420	Dainichi Kaiun Kabushiki Kaisha: Nittou Maru.
03450	Kotani Kaiun Goshi Kaisha: Kyokuyo Maru.
03465	Nagoya Kisen K.K.: Shinsho Maru.
03492	Sawayama Kisen K.K.: Atlas Maru.
03501	Osaka Shosen Mitsui Senpaku K.K.: Buenos Aires Maru.
03505	Showa Yusen K.K.: Matsushiro Maru.
03841	American Export Isbrandtsen: Flying Cloud.
03878	Ingram Barge Co.: Manitou. Tennessee. Louisville.
04031	Intercontinental Shipping Corp.: Tebessa.
04100	N.V. Reederij Nautiek: Wiebold Bohmer. Annemarie Bohmer. Marietje Bohmer.
04197	Gulf Atlantic Towing Corp.: GATCO 3060. GATCO 3061. GATCO 3062. GATCO 1603. GATCO 200. GATCO 165. GATCO 135. GATCO 106. GATCO 95. GATCO 83.
04834	Tidewater Barge Lines, Inc.: Arlington. 21. 30. 34.
04941	Olau-Line, Ltd.: Olau Syd.
04951	Partenreederei M.V. "Langwardersand": Langwardersand.
05009	(Cayman) Island Shipping Co. Ltd.: Island Prince III.
05114	N.V. Stoomvaartmaatschappij De Maas: Thuredrecht. Sliedrecht. Ossendrecht.
05126	E.A.C. Barges, Inc.: E.A.C. 152.
05184	Universal Services, Inc.: 4802.
05197	Stravelakis Bros., Ltd.: Estia.
05215	Lucien M. McLeod: Lumen.
05221	Providence Cia. Naviera Corp.: Trigon.
05397	Camelot Shipping, Ltd.: Golden Jay.
05852	Marilina Compania Naviera D.V.S.A.: Dolly Maria.
05862	World Tide Shipping Corp.: Marlil.
05973	Stilla Compania Naviera S.A. Panama: Antonios H.
06049	Solon Shipping Co., Ltd.: Good Faith.
06373	Viaguardia Compania Naviera S.A.: Sunjarv.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-14092 Filed 8-18-72;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. CS69-77, etc.]

AN-SON CORP. ET AL.

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

AUGUST 11, 1972.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 11, 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.

MARY B. KIDD,
Acting Secretary.

Docket No.	Date filed	Name of applicant
CS69-77	1 7- 3-72	An-Son Corp., 3814 North Santa Fe, Oklahoma City, OK 73118.
CS73-43	7-19-72	Henry Brenner, 15 Regent Pl., Roslyn, NY 11576.
CS73-44	7-14-72	Lela L. Barkley, 5322 Institute Lane, Houston, TX 77005.
CS73-45	7-14-72	America Southwest Corp., Post Office Box 936, Jackson, MS 39205.
CS73-46	7-21-72	Earl M. Knighton, 900 Sutton Pl., Wichita, KS 67202.
CS73-47	7-21-72	GMB Gas Corp., 1304 North 18th St., Post Office Box 4903, Monroe, LA 71201.
CS73-48	7-19-72	Edith A. Payne, 645 Monroe, NE., Albuquerque, NM 87108.
CS73-49	7-21-72	Brown & McKenzie, Inc., 1120 Three Greenway Plaza East, Houston, TX 77046.
CS73-50	7-21-72	Morningside Co., Inc., 830 First National Bank Bldg., Wichita, Kans. 67202.
CS73-51	7-24-72	Bruce W. Fox, Post Office Box 1251, Kilgore, TX 75662.
CS73-52	7-24-72	Earle K. Shawe, Sun Life Bldg., Charles Center, Baltimore, Md. 21201.
CS73-53	7-24-72	G. T. McAlpin (Operator) et al., 404 Ayrshire, College Station, TX 77840.
CS73-54	7-24-72	Jim Snyder Drilling Co., 870 Denver Club Bldg., Denver, Colo. 80202.
CS73-55	7-25-72	H. E. Chiles, Post Office Box 186, Fort Worth, TX 76101.
CS73-56	7-25-72	Clay H. McCartney, Post Office Box 515, Chinook, MT 59523.
CS73-57	7-26-72	Lydle Martyn and Kenneth D. Fluharty d.b.a. M&F Oil & Gas Co., Jacksonburg, W. Va. 26377.
CS73-58	7-24-72	B. Reagan McLemore et al., 821 First National Bank Bldg., Longview, Tex. 75601.
CS73-59	7-26-72	Sam Lack, Post Office Box 1719, McAllen, TX 78501.
CS73-60	7-26-72	Damson 1971 Limited Partnership, acting through Damson Oil Corp., General Partner, Pioneer Bldg., Lake Charles, La. 70601.

Footnote at end of table.

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

Docket No.	Date filed	Name of applicant
CS73-61	7-26-72	Damson 1971 Exploration Fund, acting through Damson Oil Corp., General Partner, Pioneer Bldg., Lake Charles, La. 70601.
CS73-62	7-28-72	Gene A. Carter, 1124 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS73-63	7-28-72	The Mid-Gulf Exploration, Post Office Box 20009, Houston, TX 77025.
CS73-64	7-28-72	Jay J. Harris, 801 Ridge Crest Dr, SE., Albuquerque, NM 87108.
CS73-65	7-27-72	Texas Gas Production Co., 910 Guaranty Plaza, Corpus Christi, Tex. 78401.
CS73-66	7-27-72	Pan Mutual Royalties, Inc., 3707 Rawlins, Suite 416, Dallas, TX 75219.
CS73-67	7-21-72	Graham, Forester & Harper, Box 6121, Corpus Christi, TX 78411.
CS73-68	7-27-72	W. K. Downey, 623 Hunters Grove, Houston, TX 77024.
CS73-69	7-27-72	Jack W. Little d.b.a. H-M Oil Co., 1212 Americana Bldg., Houston, Tex. 77002.
CS73-70	7-27-72	SRG Oil Corp., Post Office Box 1675, Abilene, TX 79604.
CS73-71	7-27-72	L. M. Dyll, 3707 Gaston Avenue, Suite 620, Dallas, TX 75246.
CS73-72	7-27-72	Dr. James W. Dyll, 3707 Gaston Avenue, Suite 620, Dallas, TX 75246.
CS73-73	7-27-72	Paul Plevack, Post Office Box 718, Dallas, TX 75221.
CS73-74	7-27-72	Dr. Louis M. Dyll, 3707 Gaston Avenue, Suite 620, Dallas, TX 75246.
CS73-75	7-27-72	W. R. Gillespie, Jr., 1345 Gregory Dr., Dallas, TX 75232.
CS73-76	7-27-72	T. J. Raleigh, Post Office Box 718, Dallas, TX 75221.
CS73-77	7-27-72	D. D. Rost, Post Office Box 718, Dallas, TX 75221.
CS73-78	7-31-72	J. Roy McCoy, 205 Insurance Bldg., 2109 Avenue Q, Lubbock, TX 79405.
CS73-79	7-31-72	A. F. Roberts, Jr., Post Office Box 763, Hobbs, NM 88240.
CS73-80	8- 1-72	John Snyder, Operator, Robert D. Snyder & Overseas Management, Inc., 611 Midland Bank Bldg., Billings, Mont. 59101.
CS73-81	7-31-72	Pauley Petroleum, Inc., 2210 Mercantile Bank Bldg., Dallas, TX. 75201.
CS73-82	8- 2-72	Secondary Recovery, Inc., Oil Recovery, Inc., Post Office Box 808, Eunice, LA 70535.
CS73-83	7-31-72	E. J. Husemann, Post Office Box 370, Cody, Park County, WY 82414.
CS73-84	7-31-72	Danoil, Inc., a Consuming Assets Corp., No. 1 Burnett Plaza, Fort Worth, TX 76102.
CS73-85	7-31-72	E. K. Edmiston, 801 First National Bank Bldg., Wichita, Kans. 67202.
CS73-86	7-31-72	Luis A. Casado and Vera J. Casado, 801 First National Bank Bldg., Wichita, Kans. 67202.
CS73-87	7-31-72	J. R. Dry, 801 First National Bank Bldg., Wichita, Kans. 67202.
CS73-88	7-31-72	Frank M. Kessler, 801 First National Bank Bldg., Wichita, Kans. 67202.
CS73-89	7-31-72	Eugene W. Lightner, 801 First National Bank Bldg., Wichita, Kans. 67202.
CS73-90	8- 1-72	Skinner Corp., D-434 Petroleum Center, San Antonio, Tex. 78209.
CS73-91	8- 4-72	The T. M. Evans Foundation (Incorporated), 300 Park Ave., New York, NY 10022.
CS73-92	8- 3-72	Columbia Explorations, Inc., Post Office Box 20009, Houston, TX 77025.
CS73-93	8- 3-72	Argonaut Exploration, Inc., Post Office Box 9158, Amarillo, TX 79105.
CS73-94	8- 3-72	Ted G. Becker, Operator, D-416 Petroleum Center, San Antonio, Tex. 78209.
CS73-95	8- 3-72	Green and Michaelson Producing Co., 314 Building of the Southwest Midland, Tex. 79701.
CS73-101	7-26-72	Stephen H. Kinney, 207 North Orchard St., Farmington, NM 87401.

[1] Includes sales from interests of nonoperating coowners.

[FR Doc.72-14011 Filed 8-18-72;8:45 am]

[Docket No. CP73-38]

COASTAL STATES PETROCHEMICAL CO.

Notice of Application

AUGUST 14, 1972.

Take notice that on August 7, 1972, Coastal States Petrochemical Co. (Applicant), Post Office Drawer 521, Corpus Christi, Tex. 78403, filed in Docket No. CP73-38 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Trunkline Gas Co. (Trunkline) at a point on Trunkline's transmission line in Bee County, Tex., and such other points or points as may be mutually agreeable, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver approximately 30,000 Mcf of gas per day to Trunkline for 2 years from the date of the initial exchange of natural gas for propane within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant, operator of a crude oil refinery, states that it has entered into an agreement with Trunkline pursuant to which it will deliver to Trunkline natural gas presently used in its operations in exchange for substitute amounts of propane. Applicant indicates that Trunkline has advised it that it has an existing gas supply shortage on its system and that the limited term exchange proposed is essential if Trunkline is to maintain adequate natural gas service on its pipeline system and thereby minimize curtailment of service to its customers.

It is reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing or 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 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14097 Filed 8-18-72;8:51 am]

[Docket No. RP73-12]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed Change in Tariff

AUGUST 14, 1972.

Take notice that on July 28, 1972, Columbia Gas Transmission Corp. (Columbia) tendered for filing the following tariff sheets to its FPC Gas Tariff, Original Volume No. 1: Second Revised Sheet No. 1, Original Sheets Nos. 16A, 16B, 16C, 16D, 16E, 64, 64A, 64B, and 64C to become effective August 1, 1972. The proposed tariff sheets are submitted pursuant to Orders Nos. 452 and 452-A in Docket No. R-406, permitting natural gas pipeline companies to submit a purchased gas cost adjustment provision (PGA clause) to be included in their FPC Gas Tariffs under § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act.

Columbia requests the Commission to waive certain provisions of § 154.38(d)(4) of the Commission's regulations as follows:

1. The requirement for the filing of a cost of service in accordance with § 154.63 of the regulations.

2. Columbia's purchased gas cost includes related pipeline transportation costs historically regarded as part of the cost of gas purchased.

3. The purchased gas cost adjustments are to be determined by zones of Columbia rather than on an overall company basis.

4. The purchased gas cost adjustments are to be reflected in Columbia's rate when such adjustments represent a dollar amount equal to at least one mil (0.10 cents) per Mcf of annual jurisdictional

sales of the zone or zones wherein the cost of gas changes.

5. Columbia is to defer changing its rates to reflect changes in rates for gas purchased or transported by pipeline companies when such deferral is appropriate.

6. Columbia is to include interest at the rate of seven percent (7 percent) per annum on the cost of gas and the cost of transportation which are includable in the utility rate schedules, but which are deferred (Item 5 above) solely in order to reduce the number of rate filings.

Columbia also requests that the Commission waive the notice requirements of § 154.22 to permit its filing to be effective August 1, 1972.

Copies of Columbia's filing have been mailed to each of Columbia's jurisdictional customers and interested State Commissions.

Any person desiring to comment on, or make any protest to, Columbia's proposed filing should do so on or before August 21, 1972, by filing them in writing with the Federal Power Commission, 441 G Street NW., Washington, DC 20426. All comments and protests filed with the Commission will be considered by it in determining the appropriate action to be taken. Columbia's proposed tariff sheets are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14065 Filed 8-18-72;8:47 am]

[Docket No. E-7743]

CONNECTICUT LIGHT AND POWER CO.

Order Accepting for Filing and Suspending FPC Electric Tariff, Providing for Hearing, Establishing Procedures, Denying Motion To Reject and Motion for Summary Judgment, and Permitting Interventions

AUGUST 14, 1972.

The Connecticut Light and Power Co. (CL&P) on June 16, 1972, tendered for filing in Docket No. E-7743 a proposed FPC Electric Tariff, consisting of Original Sheets 1 through 19, together with supporting documents as required by the Commission's regulations under the Federal Power Act, particularly § 35.13 thereof. CL&P's proposed tariff would change both the form and level of rates for jurisdictional electric service, and would result in an increase in rates to wholesale customers of $1,228,169 annually on a 1971 test year basis. The company requests an effective date of August 15, 1972.

In support of its filing, CL&P states the proposed increased rates are necessary in order to permit the company to earn a more nearly compensatory return upon its property devoted to service of its wholesale customers. Increased taxes, higher interest rates, and rising costs of materials and labor are cited by the company. CL&P also states that large scale construction of new facilities is planned over the next few years, and needed financing is expected to be carried out at costs of capital well above the levels embedded in its present capital structure.

Notice of CL&P's rate increase application was issued on July 12, 1972. The notice provided for protests or petitions to intervene to be filed on or before July 28, 1972. On July 5, 1972, the Connecticut Municipal Group, consisting of the company's six Connecticut municipal customers,[1] filed a motion to reject CL&P's proposed tariff. The company answered in opposition to the motion on July 17, 1972. On July 24, 1972, the Connecticut Municipal Group filed a motion requesting the Commission to grant summary judgment on its motion to reject. On July 28, 1972, the municipal group petitioned to intervene in the proceeding.

The municipal group argue for rejection of CL&P's proposed tariff on two grounds. They first argue the proposed new rates are not authorized under the terms of the existing contracts. They further argue that the company has not validly terminated the existing contracts so as to enable it to file a new and superseding tariff. We consider only the second argument, since the company makes no claim of entitlement to increase its rates under the existing contracts. With respect to the cancellation issue, each of the contracts in question contains the following provision:

> "This agreement shall continue in force for the term of 10 years from January 1, 1963 and thereafter unless terminated in accordance with this paragraph, but may be terminated by either party effective as of June 1, 1970 or any subsequent date by written notice of termination given at least 1 year prior to the effective date of termination by the terminating party to the other party."

Pursuant to this provision the company on February 18, 1971, sent written notice to each municipal customer that the applicable contract would be terminated as of February 24, 1972. On November 19, 1971, the company informed the municipal customers that it was prepared to continue service under the existing contracts for an additional period ending May 31, 1972. The customers were asked to indicate whether they desired to continue to receive service under the existing contracts until May 31, 1972, and each customer responded affirmatively. Then on April 11, 1972, the company informed the municipal customers that due to further delays, it would not be able to submit necessary supporting materials to this Commission in time to permit revised rates to become effective June 1, 1972. As a result, the company agreed to continue service under the existing contracts "until such date as a new rate schedule is submitted to the Federal Power Commission and permitted to become effective."

The municipals argue that the company's notices are not sufficient to effect a termination of the contracts involved. We cannot agree. It seems clear that the customers have had notice since February 18, 1971, of the company's intention to terminate the contracts in accordance with their express terms. We do not think the company's termination is nullified or otherwise impaired by its offer to voluntarily continue to provide service, at the customers' option, until such time as new rates are filed with the Commission and made effective. The customers clearly have no basis for any claim of injury where they receive substantially more than the minimum 1-year's notice, and where they are permitted but not required to continue service on existing terms until such time as new rates are made effective. We think the company has acted responsibly and in the public interest in voluntarily agreeing to continue service pending action by this Commission on its present application, and we do not find such actions in derogation of its right of cancellation. The customers have had notice of the company's proposed contract termination since February 18, 1971, and have had ample opportunity to make their plans accordingly. We find that notice of termination was given by the company to its municipal customers "at least 1 year prior to the effective date of termination" in accordance with the express terms of the contracts, and that such contracts shall be deemed terminated as of the date the company's proposed new rates in this docket become effective in accordance with the terms of this order and the provisions of the Federal Power Act. It follows that the Municipal's motions for rejection and for summary judgment should be denied.

While CL&P's filed tariff is not subject to rejection, the tariff rates, terms, and conditions may nevertheless be unjust, unreasonable, or unduly discriminatory. Based on a review of the rate increase application and the pleadings filed in this docket, we find that CL&P's proposed tariff should be accepted for filing and suspended, that the petitions to intervene should be granted, and that the issues in this case should be resolved on the basis of an evidentiary record to be established upon hearing. Accordingly, the company's proposed tariff will be suspended for a period of 5 months, and when placed into effect after the suspension period, all revenues received thereunder will be subject to refund, with interest, of all amounts found by the Commission after hearing not to be justified.

The Commission finds:

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classification, services, and other provisions of The Connecticut Light and Power Co.'s proposed FPC Electric Tariff, and that such tariff be

[1] The city of Groton; Borough of Jewett City; Second Taxing District, city of Norwalk; third Taxing District, city of Norwalk; city of Norwich; town of Wallingford; and the Connecticut Municipal Electric and Gas Association.

suspended, and the use thereof deferred as hereinafter ordered.

(2) The motion to reject filed by the Connecticut Municipal Group on July 5, 1972, and the motion for summary judgment filed by the same group on July 24, 1972, should be denied.

(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 Federal Power Act, particularly sections 205, 206, 301, 308, and 309, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, services, and other provisions contained in The Connecticut Light and Power Co.'s proposed FPC Electric tariff, commencing with a prehearing conference to be held on December 13, 1972.

(B) Pending such hearing and decision thereon, CL&P's proposed FPC Electric Tariff, consisting of Original Sheets 1 through 19, is hereby accepted for filing, suspended, and its use deferred until January 16, 1973.

(C) On or before December 6, 1972, the Commission staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of the intervenors shall be served on or before December 20, 1972. Any rebuttal evidence by CL&P shall be served on or before January 8, 1973. Cross-examination of the evidence filed shall commence at 10 a.m. on January 15, 1973, in a hearing room of the Federal Power Commission.

(D) At the prehearing conference on December 13, 1972, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for orderly and expeditious hearing.

(E) The motion to reject and motion for summary judgment filed by the Connecticut Municipal Group on July 5, 1972, and July 24, 1972, respectively, are denied.

(F) A presiding examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing initiated by this order.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners 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 interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, Connecticut Light and Power Co. shall promptly serve copies of its filing upon all interveners listed above, unless such service has already been effected pursuant to Part 35 of the regulations under the Federal Power Act.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14067 Filed 8-18-72;8:47 am]

[Dockets Nos. RP72-104, RP72-157, RP73-2]

CONSOLIDATED GAS SUPPLY CORP.

Order Granting and Denying Request for Waivers, Requiring Revisions of Tariff Sheets, Consolidating Proceedings, and Granting Motion To Place Rates Into Effect After Suspension

AUGUST 15, 1972.

On June 30, 1972, Consolidated Gas Supply Corp. (Consolidated) tendered for filing in Docket No. RP72-157 revised tariff sheets [1] to its FPC gas tariff, First Revised Volume No. 1. Consolidated's purpose was to revise the purchased gas cost adjustment (PGA) clause filed on January 31, 1972, in Docket No. RP72-104, in compliance with Orders 452 and 452-A issued in Docket No. R-406 and with ordering paragraph (B) of the Commission order issued on March 14, 1972, suspending for 5 months the tariff changes tendered in Docket No. RP72-104. The tariff sheets tendered in Docket No. RP72-157 are in substitution for the tariff sheets containing the PGA clause filed in Docket No. RP72-104 and bear an effective date of August 17, 1972, the effective date after suspension of the tariff sheets [2] filed in that docket. Notice was issued on July 19, 1972, and comments by August 1, 1972, were invited. On July 26, 1972, the Commission staff filed comments on Consolidated's revised PGA clause, including items for which Consolidated seeks waiver of § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act. On July 31, 1972, New York State Electric & Gas Corp. and Rochester Gas and Electric Corp. separately filed petitions to intervene. Rochester Gas and Electric Corp. requests a formal hearing or consolidation of this proceeding with Docket No. RP72-104.

Consolidated requests the Commission to grant waiver of § 154.38(d)(4) to the extent required to permit inclusion of the following provisions in Consolidated's PGA clause:

(1) Reduction of the minimum notice period from 45 days to 38 days;
(2) Inclusion of transportation charges paid to others with purchased gas costs;
(3) The rolling-in of purchased gas cost changes from suppliers other than pipelines with changes from pipeline suppliers.

Upon consideration of Consolidated's request and the comments filed, we have concluded that good cause has been shown for the inclusion of the third provision above but not for the first or second.

A 45-day notice period for PGA rate changes was adopted in Orders Nos. 452 and 452-A not only for pipeline companies' customers to have time to seek adjustment of their rates but also for the Commission to verify the supplier rate changes and for deficiencies to be cured without delay of the PGA rate changes. Although Consolidated's customers have consented to a 38-day notice period, for other purposes the full 45-day period will be necessary in most instances. If Consolidated is unable to give 45 days' notice before a PGA rate change, it may request waiver to permit the filing at the time.

The second provision has the effect of including, as purchased gas costs subject to PGA rate changes, all charges paid for transportation and compression of gas by others (Account 858). These charges include payments by Consolidated for transmission of gas from Louisiana to Consolidated's system and for transmission of gas within the area served by Consolidated's system to its pipeline. Consolidated argues that it relies on other pipelines for gas supply and for transportation of its own production and purchases for supplies and that therefore the transportation charges are part of the company's purchased gas costs. Consolidated argues further that denial of its request would handicap it in obtaining new supplies because increases in transportation charges would probably require time to be spent in seeking a general rate increase.

Many costs, including transportation charges, may be said to be related to gas supply costs. Footnote 1 to § 154.38(d)(4) defines, after the Commission's deliberation in a rulemaking proceeding, all costs eligible for immediate recognition through PGA rates changes. For the limited purposes of the PGA clause, it would not be proper for Consolidated to include all of its transportation charges paid to others with purchased gas costs. Finally, as the Commission staff points out, it is extremely unlikely that an increase in transportation charges would necessitate a general rate increase filing because of their relatively small effect on Consolidated's cost of service.

We conclude that the PGA clause tendered in Docket No. RP72-157 should be accepted as a substitute for the PGA clause suspended on March 14, 1972, in

---

[1] Substitute 13th Revised Sheet No. 8, Substitute First Revised Sheet No. 52, Substitute Original Sheets Nos. 52-A, 52-B, 52-C, and 52-D.

[2] First Revised Volume No. 1, Substitute 13th Revised Sheet No. 8, First Revised Sheets Nos. 13, 28-A, 30, 36, 51, and 53, Second Revised Sheet No. 32, Substitute First Revised Sheet No. 52, Substitute Original Sheets Nos. 52-A, 52-B, 52-C, and 52-D, Original Sheet No. 53-A.

Original Volume No. 2, First Revised Sheets Nos. 265 and 272-A, Second Revised Sheets Nos. 266, 267, 269, and 270, Fourth Revised Sheets Nos. 271 and 272, Original Sheet No. 272-B.

Docket No. RP72–104, with the following exceptions:

(1) 45 days' notice of PGA rate changes should be provided for;

(2) Transportation charges paid to others should not be included with purchased gas costs;

(3) New and uncertificated supplies and LNG, SNG, and gas from coal gasification should be explicitly excluded;

(4) Annualization of new pipeline purchases should not be permitted;

(5) The language of paragraph 12.1 of Consolidated's PGA clause should be clarified.

The PGA clause tendered herein will therefore be permitted to become effective August 17, 1972, as herein ordered and conditioned. Docket No. RP72–157 will be considered with Docket No. RP72–104 for a determination of the proper methods of allocating purchased gas costs between jurisdictional and nonjurisdictional sales and among jurisdictional rate zones.

On July 10, 1972, Consolidated tendered for filing in Docket No. RP73–2 14th Revised Sheet No. 8 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective August 17, 1972. This filing constitutes the first adjustment under the revised PGA clause submitted in Docket No. RP72–157 to reflect all changes in purchased gas and purchased gas transportation service costs that have occurred as of August 1, 1972, and that were not reflected in Consolidated's filing in Docket No. RP72–104. This filing is acceptable, provided that this tariff sheet is revised to exclude transportation costs in conformity with the proper PGA clause, and provided further that the amount of adjustment is subject to the determination of issues in Docket No. RP72–104.

On July 28, 1972, Consolidated filed (1) a motion to make effective as of August 17, 1972, the tariff sheets suspended in Docket No. RP72–104 (as revised by the substitute sheets filed in Docket No. RP72–157) and (2) Statement Q—Price Stabilization Exhibit. This motion should be granted, subject to compliance by Consolidated with the terms and conditions of this order.

The Commission orders:

(A) Consolidated's request for waivers to permit the filing of the substitute PGA clause in Docket No. RP72–157 is denied except that waiver is granted to permit the rolling-in of gas cost changes from suppliers other than pipelines with changes from pipeline suppliers.

(B) The substitute PGA clause tendered by Consolidated in Docket No. RP72–157 is approved and shall be effective August 17, 1972, upon condition that Consolidated, within 15 days from the issuance of this order, revise its substitute PGA clause in conformance with the terms and conditions of our order herein and shall also revise 14th Revised Sheet No. 8 accordingly.

(C) Docket No. RP72–157 is hereby consolidated with Docket No. RP72–104.

(D) Consolidated's motion in Dockets Nos. RP72–104 and RP72–157 is granted, and Consolidated shall charge and collect, subject to refund, the rates and charges set forth in the above-described revised tariff sheets, for all gas sold, transported, and delivered under the rate schedules contained herein on and after August 17, 1972, subject to the terms and conditions of this order.

(E) This order is made without prejudice to any findings or orders which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Consolidated, or by any other party or person affected by this order, in any proceedings now pending or hereafter instituted by or against Consolidated or any other person or party.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72–14098 Filed 8–18–72;8:51 am]

[Project No. 2506]

ESCANABA PAPER CO.

Notice of Availability of Environmental Statement for Inspection

AUGUST 15, 1972.

Notice is hereby given that on August 13, 1971, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 FR 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for major license filed pursuant to the Federal Power Act for the constructed Escanaba project No. 2506, located on the Escanaba River in Delta and Marquette Counties, Mich.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accountinug Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Escanaba project is a run-of-river development consisting of four small dams and reservoirs and three powerplants having a combined installed capacity of 8,400 kw. These plants provide a portion of the power requirements for the company's 700-ton-per-day papermill located in Delta County, Mich.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from August 23, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–14096 Filed 8–18–72;8:51 am]

[Docket No. CS73–96, etc.]

JANE H. GRIGSBY, ET AL.

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

AUGUST 14, 1972.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 11, 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.

MARY B. KIDD,
Acting Secretary.

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

Docket No.	Date filed	Name of applicant
CS73-96	7-27-72	Jane H. Grigsby, 806 Mid South Towers, Shreveport, La. 71101.
CS73-97	7-24-72	Weaver Oil & Gas Corp., 2 Greenway Plaza East, Suite 323, Houston, TX 77046.
CS73-98	8- 4-72	Cody C. Beasley, Post Office Box 5697, Bossier City, LA 71010.
CS73-99	7-31-72	Estate of Francis W. Scott, Eleanor S. Scott, Testamentary, Executrix.
CS73-100	7-27-72	Kansas Gas Purchasing, Suite 320, 220 West Douglas, Wichita, KS 67202.
CS73-102	8- 7-72	Prince Brothers Drilling Co., Post Office Box 1034, Garden City, KS 67846.

[FR Doc.72-14068 Filed 8-18-72;8:48 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Proposed Change in Tariff

AUGUST 11, 1972.

Take notice that on July 31, 1972, North Penn Gas Co. (North Penn) tendered for filing proposed changes in its FPC gas tariff, First Revised Volume No. 1, constituting a purchased gas cost adjustment provision (PGA clause) pursuant to § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act, to become effective September 1, 1972. Pursuant to § 154.38(d)(4)(i) of the regulations, North Penn filed a cost-of-service study for the 12-month period ending May 31, 1972, annualized for actual experienced changes during that period with adjustments for two known changes. Statements O and P were not included, and North Penn requests waiver of those provisions of § 154.63 of the regulations which require the filing of these statements.

North Penn requests the Commission to grant waiver of § 154.38(d)(4) to permit inclusion of the following provisions in North Penn's PGA clause: (1) Reduction of the minimum notice period from 45 days to 30 days in order to enable North Penn to timely track pipeline supplier increases in those cases where North Penn receives only the requisite 45-day notice from its suppliers. (2) Immediate tracking of only pipeline supplier rate changes, due to the current minor nature of producer purchases, but the rolling in of other supplies with its pipeline supplies in the event that supplies other than pipeline supplies become a significant part of total gas purchases. North Penn requests permission to use Account 186 of the Commission's Uniform System of Accounts for accruals of purchased gas cost increases or reductions that are not subject to immediate tracking provisions.

Copies of North Penn's filing have been mailed to North Penn's customers and interested State commissions.

Any person desiring to comment on, or make any protest to North Penn's filing should do so on or before August 25, 1972, by filing them in writing with the Federal Power Commission, 441 G Street NW., Washington, DC 20426. All comments and protests filed with the Commission will be considered by it in determining the appropriate action to be taken. North Penn's proposed tariff sheets are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14066 Filed 8-18-72;8:47 am]

[Docket No. E-7762]

PACIFIC POWER & LIGHT CO.

Notice of Application

AUGUST 16, 1972.

Take notice that on August 7, 1972, Pacific Power & Light Co. (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of 250,000 shares of its serial preferred stock, cumulative, par value $100 per share.

The new preferred stock will consist of a new series of Applicant's presently authorized serial preferred stock, will be entitled to dividends at an annual rate and will be subject to redemption at prices expressed by a resolution of the Board of Directors at the time of the creation of such series after competitive bidding requirements contained in § 34.1a of the Commission's regulations under the Federal Power Act in accordance with which Applicant proposes to sell the new preferred stock.

Proceeds from the issuance and sale of the new preferred stock will be used to retire short-term notes and to finance in part Applicant's 1972–73 construction program, presently estimated at $240,162,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14101 Filed 8-18-72;8:51 am]

[Docket No. E-7758]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 15, 1972.

Take notice that Northern Indiana Public Service Co. (Nipsco) on July 28, 1972, tendered for filing proposed changes in its FPC electric service tariff, Original Volume No. 1. The proposed changes would increase Nipsco's revenues from jurisdictional sales and service to its municipal and corporate utility customers by $140,277 and to its Rural Electric Membership Corp. customers by $2,124,619, resulting in annual percentage increases of 14.69 percent and 62.78 percent, respectively, based on the 12-month period ending December 31, 1971, to become effective on October 1, 1972.

Copies of the filing were served on Nipsco's jurisdictional customers, the Public Service Commission of Indiana and the U.S. Rural Electrification Administration.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14099 Filed 8-18-72;8:51 am]

[Docket No. E-7761]

PACIFIC POWER & LIGHT CO.

Notice of Application

AUGUST 16, 1972.

Take notice that on August 7, 1972, Pacific Power & Light Co. (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of $30 million in principal amount of its first mortgage bonds.

The new bonds are to be issued under and pursuant to Applicant's presently existing mortgage and deed of trust dated as of July 1, 1947, to Morgan Guaranty

Trust Co. of New York and R. E. Sparrow, as trustees, as supplemented and as proposed to be supplemented by a 25th supplemental indenture thereto. The new bonds will bear interest from October 1, 1972, at a rate per annum to be fixed by competitive bidding and will mature on October 1, 2002.

Applicant proposes to sell the new bonds at competitive bidding in accordance with the applicable requirements of § 34.1a of the Commission's regulations under the Federal Power Act.

Proceeds from the issuance and sale of the new bonds will be used to retire short-term notes and to finance in part Applicant's 1972–73 construction program, presently estimated at $240,162,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14100 Filed 8-18-72;8:51 am]

[Docket No. E-7742]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Order Providing for Hearing and Permitting Interventions

AUGUST 14, 1972.

Public Service Company of New Hampshire (PSCNH) on June 15, 1972, filed changes in its resale service rates to become effective August 15, 1972. Based on a 1971 test year, the new rates will provide the PSCNH with increased revenues of $1.7 million from jurisdictional sales and service.

The new schedules provide for a demand charge of $3 per kilovolt-ampere of maximum demand and 7.5 mills per kilowatt-hour for energy. (For the town of Wolfeboro the demand charge is expressed at an equivalent value of $3.13 per kilowatt.) PSCNH states that the proposed rate adopts a form which is simpler to understand and apply than the hour's use type rate in the schedules currently in effect and that the new form does not change the revenue relationships between the customers. The new schedules also introduce a fuel clause, with a base cost derived by proforming 1971 fuel costs to include year end costs of coal for Merrimack Station.

The company states that this filing represents the first increase in rates to these customers since 1957 and that there were two separate rate decreases in 1965 and 1967. The company claims that the increased revenues are essential if the company is to be in a position to continue to finance its construction program which will require over twice as much new capital from external sources in the next 4 years as the company had to raise in the last 6 years. With the high cost af debt capital, the company contends that it will be unable to continue to meet the coverage test necessary to the issuance of new debt securities without substantial rate relief.

The company states that under the rates currently in effect, the return from the resale service customers on a 1971 test year basis is 4.62 percent while under the proposed rates the return would be 8.25 percent, including a 12.5 percent return on equity.

The proposal was noticed on July 12, 1972, with petitions to intervene or protests due on or before July 26, 1972. Petitions to intervene were filed by New Hampshire Electric Cooperative, Inc., New Hampton Village Precinct, town of Ashland, and town of Wolfeboro jointly and by Concord Electric Co. and Exeter and Hampton Electric Co. A notice of intervention was filed by the New Hampshire Public Utility Commission.

A preliminary review of the subject rate filing indicates that the proposed rates may be excessive, unduly discriminatory, or otherwise unjust and unreasonable. The allegations made in support of the increased rates and the arguments against them raise questions best resolved through a public hearing. Hence we are directing that a hearing be held to determine the lawfulness of the proposed changes rates, and we shall suspend them in accordance with section 205(e) of the Federal Power Act.

The Commission finds:

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

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

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308, and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the proposed rates and the proposed fuel adjustment clause.

(B) Pending such hearing and decision thereon, PSCNH's proposed rate increase and use of the fuel adjustment clause is hereby suspended and the use deferred until January 15, 1973.

(C) Staff will serve its direct case no later than January 19, 1973. Interveners will serve their direct cases no later than February 5, 1973. PSCNH's rebuttal evidence shall be served no later than February 19, 1973. Cross-examination of all evidence shall commence March 1, 1973.

(D) Increased charges after January 15, 1973, found by the Commission in this proceeding to be unjustified shall be refunded and shall bear interest at 7 percent per annum. PSCNH shall bear all costs of refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased charges effective at the termination of the suspension period; and shall file with the Commission a monthly written report which shall set forth: (1) The billing determinants of electric power and energy sold and delivered during the billing period; (2) the revenues resulting from such sale and delivery computed under PSCNH's present rate schedules and shall show the difference in the revenues so computed.

(E) The Presiding Examiner to be designated by the Chief Examiner for the purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, and 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.

(F) Each of the petitioners for intervention listed above is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(G) This order is without prejudice to any findings or orders which have been made or may hereafter be made by this Commission in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14102 Filed 8-18-72;8:51 am]

[Docket No. CP73-27]

STINGRAY PIPELINE CO.

Notice of Application

AUGUST 16, 1972.

Take notice that on July 31, 1972, Stingray Pipeline Co. (Applicant), 300 Bissonnet, Houston, TX 77001, filed in Docket No. CP73-27 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, the leasing of the existing facilities, and the transportation of gas for Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Co. (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to construct and operate the following pipeline and appurtenant facilities and laterals, offshore Louisiana in the West Cameron, East Cameron, and Vermilion areas.

PHASE I

(1) A 22,500 horsepower onshore compressor station, located in Cameron Parish, La.;
(2) 72.2 miles of 36-inch gathering line from block WC–148 to block WC–509;
(3) 16.7 miles of 24-inch gathering line from block WC–509 to block EC–257;
(4) 24.9 miles of 20-inch gathering line from block EC–257 to block V–247;
(5) 10.3 miles of 12-inch gathering line from block V–247 to block V–214;
(6) 2.9 miles of 12-inch gathering line from block EC–257 to block EC–268;
(7) 30.4 miles of 22-inch gathering line from block WC–509 to block V–320;
(8) 24.2 miles of 24-inch gathering line from block WC–509 to block WC–564;
(9) 21.7 miles of 18-inch gathering line from block WC–564 to block WC–639; and
(10) 2.9 miles of 12-inch gathering line from block WC–564 to block WC–565.

PHASE II

(1) A 22,000 horsepower offshore compressor station, located in block 509, West Cameron Area, South Addition, La.;
(2) 21.8 miles of 12-inch gathering line from block EC–185 to block WC–408;
(3) 9.1 miles of 22-inch gathering line from block V–320 to block V–339;
(4) 3.8 miles of 12-inch gathering line from block EC–209 to block V–301;
(5) 24.6 miles of 16-inch gathering line from block WC–509 to block EC–338;
(6) 15.1 miles of 12-inch gathering lines in blocks EC–312, 320, 338, 339, 348, and 349;
(7) 6.4 miles of 12-inch gathering line from block WC–564 to block WC–588; and
(8) 2.9 miles of 12-inch gathering line from block V–262 to block V–281.

Applicant states that Trunkline and Natural have obtained commitments of natural gas from 28 offshore tracts with approximately 120,000 acres of proven and potential gas reserves being developed for use in this project, and Applicant seeks authority to transport said gas for Trunkline and Natural.

Applicant indicates that the transportation volumes of natural gas will be 650,000 Mcf per day under Phase I and 1 million Mcf per day under Phase II, with quantities being apportioned equally between Trunkline and Natural. Applicant states that the gas will be transported from offshore Louisiana in the West Cameron, East Cameron, and Vermilion areas to a point onshore near Holly Beach, La. Applicant also requests authority to lease 28 miles of an existing offshore supply line owned by Natural, consisting of 4.55 miles of 16-inch line, 11.20 miles of 24-inch line, 32.05 miles of 36-inch line, and related facilities which were originally authorized by the Commission in Docket No. CP71–231 (46 FPC 227). Applicant states that the connection of additional supplies of gas and the transportation of said gas will materially assist Trunkline and Natural in meeting contract obligations to their existing customers.

Applicant estimates the cost of the proposed facilities to be approximately $150 million with construction to be financed initially by short-term bank loans, as supplemented by the issuance of long-term debt securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–14103 Filed 8–18–72;8:51 am]

[Docket No. G–13268]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

AUGUST 15, 1972.

Take notice that on August 3, 1972, Texas Eastern Transmission Corp. (Texas Eastern), Box 2521, Houston, TX 77001, and Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, KY 42301, hereafter referred to as Petitioners, filed in Docket No. G–13268 a joint petition to amend the order issuing a certificate of public convenience and necessity in said docket on July 7, 1958 (20 FPC 3), as amended by order of March 1, 1960 (23 FPC 476), pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioners to construct and operate additional interconnecting facilities for the exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners request that the Commission amend the order issuing their certificate of public convenience and necessity by authorizing the construction and operation of an additional exchange point between their pipeline systems where the 20-inch line of Texas Gas and the 14-inch line of Texas Eastern cross near Sligo, Bossier Parish, La., and by authorizing exchanges of natural gas at that point. Petitioners state the cost of construction will be approximately $63,700, all of which will be borne by Texas Eastern and paid from general corporate funds.

Petitioner's state that their proposal will provide additional flexibility in making exchanges of natural gas and will permit additional exchanges to be made to assist in maintaining adequate service to their customers. Petitioners propose to continue the authorized exchange of gas, as required, with no monetary compensation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72–14104 Filed 8–18–72;8:52 am]

[Docket No. CP73–39]

VILLAGE OF WARROAD, MINN., AND INTER-CITY MINNESOTA PIPELINES, LTD.

Notice of Application

AUGUST 16, 1972.

Take notice that on August 7, 1972, the Village of Warroad (Applicant), Village Hall, Warroad, Minn. 56763, filed in Docket No. CP73–39 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Inter-City Minnesota Pipelines, Ltd. (Respondent) to connect its facilities with the facilities proposed to be constructed by Applicant and to sell and deliver natural gas to Applicant for resale and distribution in the village of Warroad, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to install a complete gas distribution system within the village limits and to connect the system to the gas transmission line of respondent, located approximately

1,600 feet south of the village limits. The distribution system is estimated to cost $265,000 and would be financed by general obligation revenue bonds which have already been sold. Estimated third year peak day and annual natural gas requirements are 520.7 Mcf and 109,100 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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). All protests filed with the Commission will be considered by it in determining the appropirate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14105 Filed 8-18-72;8:52 am]

[Docket No. RP70-13]

UNITED GAS PIPE LINE CO.

Order Granting Motion To Reopen Proceeding

AUGUST 15, 1972.

On July 14, 1972, Pennzoil Producing Co. (Pennzoil) filed a motion to reopen Phase I of the above-captioned case to enable Pennzoil to adduce additional evidence to meet the requirements of the Commission's order terminating Phase II of Pipeline production area rate proceeding issued June 14, 1972, in Docket No. RP66-24.

Hearings in Phase I of Docket No. RP70-13 were held on February 1 and 2, 1972, briefs were filed with the Presiding Examiner, and the Examiner's initial decision was issued June 30, 1972. On June 14, 1972, after the record in Docket No. RP70-13 was closed we issued an order terminating Phase II of Pipeline production area rate proceeding in which we stated:

> We believe the search for consumer protection through proper incentives and proper price can best be achieved by consideration of individual pipeline production and cost patterns and company by company determination of pricing for production from leases acquired prior to October 7, 1969.

Pennzoil contends that inasmuch as the guidelines enunciated by the Commission in its June 14, 1972, order were not available to Pennzoil in presenting its case in this proceeding, the record should be reopened for the purpose of the submission of evidence related to Pennzoil's production and costing patterns.

Statements in opposition to Pennzoil's motion were filed by the Public Service Commission for the State of New York (N.Y.P.S.C.) on July 20, 1972, and by Philadelphia Gas Works, division of UGI Corp. (PGW) on July 24, 1972. N.Y.P.S.C. and PGW argue essentially that Pennzoil had the opportunity to present any and all evidence relevant and necessary for decision of the Phase I inquiry in this proceeding, and the record once closed should not be reopened.

In order for the Commission to have all the factual data and evidence which we indicated in our June 14, 1972, order would be considered as a basis for our decision in this proceeding, we find it necessary to grant Pennzoil's motion and reopen the record in this proceeding for the purpose of the submission of evidence related to Pennzoil's production and costing patterns.

The Commission finds:

It is necessary, proper, and in the public interest to grant Pennzoil's motion to reopen the record in the subject proceedings.

The Commission orders:

(A) Pennzoil's motion filed July 14, 1972, to reopen the record in Docket No. RP70-13 is hereby granted for the limited purpose of permitting the submission of evidence related to Pennzoil's production and costing patterns and for such further proceedings as may thereafter be required.

(B) On or before August 25, 1972, Pennzoil shall serve evidence related to Pennzoil's production and costing patterns. On or before September 15, 1972, intervenors and staff shall serve answering evidence. On or before September 29, 1972, Pennzoil shall serve its rebuttal evidence. Hearings for the purpose of cross-examination shall commence October 5, 1972.

(C) The Presiding Examiner shall preside at and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(D) In view of our action herein reopening the record in this proceeding, and providing for further hearings and decision thereon, briefs on exceptions and briefs approving exceptions to the Presiding Examiner's initial decision issued June 30, 1972, would be inappropriate and the present schedule of dates fixed by Secretary's notice issued July 27, 1972, shall be deemed inapplicable.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14106 Filed 8-18-72;8:52 am]

[Project No. 1912]

MOUNT DIABLO MERIDIAN, CALIF.

Order Partially Vacating Land Withdrawal

AUGUST 15, 1972.

Application has been filed by the Forest Service, U.S. Department of Agriculture for vacation of the land withdrawal under the provisions of section 24 of the Federal Power Act pertaining to the following described lands of the United States:

MOUNT DIABLO MERIDIAN, CALIF.

T. 11 S., R. 28 E.,
Sec. 19, lots 3, 4, SE¼SW¼.
Approximately 117.09 acres.

The lands are withdrawn pursuant to the filing on February 7, 1944, by Francis N. Dlouhy, of an application for preliminary permit for project No. 1912 which application was denied August 22, 1944. A notice of land withdrawal for the project was sent to the General Land Office (now Bureau of Land Management) by letter dated March 30, 1944.

The lands lie within the Sierra National Forest and are located along Rancheria Creek, a small tributary of the north fork Kings River.

This part of project No. 1912 (the project was to consist of numerous dams, conduits, and powerhouses on the north, middle, and south forks of the Kings River) contemplated integration of the flows of Rancheria Creek (average flow about 31 c.f.s. in this area) with a proposed diversion development on the east side of the north fork Kings River. However, this reach of the north Fork Kings River was subsequently developed by the Pacific Gas and Electric Co. in an alternate manner. The existing diversion development (licensed project No. 1988) is located on the west side of the north fork Kings River and integration of the flows of Rancheria Creek wth this development is considered infeasible.

The Commission finds: In the above circumstances the land withdrawal for project No. 1912 no longer serves a useful purpose insofar as it pertains to the subject lands and should be vacated to that extent.

The Commission orders: The land withdrawal for project No. 1912 is hereby vacated insofar as it pertains to the subject lands.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14095 Filed 8-18-72;8:51 am]

NATIONAL GAS SURVEY COORDINATING TASK FORCE

Order Designating FPC Survey Coordinating Representative and Secretary

AUGUST 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee task forces of the National Gas Survey.

1. FPC Survey Coordinating Representative and Secretary. The new FPC Survey Coordinating Representative and Secretary of the Coordinating Task Force, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

William J. McCabe, geologist, National Gas Survey, Federal Power Commission.

Mr. McCabe will fill the position vacated by the resignation of Mr. Kenneth

B. Lucas, Federal Power Commission, from this task force.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14062 Filed 8-18-72;8:47 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS TECHNOLOGY

Order Designating Additional Members

AUGUST 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. Additional members to the Supply-Technical Advisory Task Force-Natural Gas Technology, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Dr. Elmer H. Baltz, geologist, radiation programs, Environmental Protection Agency.
Paul B. Smith, Chief, Program Support Branch, Environmental Protection Agency.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14061 Filed 8-18-72;8:47 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS TECHNOLOGY

Order Designating an Additional Federal Power Commission Representative

AUGUST 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. FPC Representative. An additional FPC Representative to the Supply-Technical Advisory Task Force-Natural Gas Technology, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

David L. Mari, Geologist, Bureau of Natural Gas, Federal Power Commission.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14064 Filed 8-18-72;8:47 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHETIC GAS-COAL

Order Designating an Additional Federal Power Commission Representative

AUGUST 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. FPC Representative. An additional FPC Representative to the Supply-Technical Advisory Task Force-Synthetic Gas-Coal, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

James R. Spor, Industry Economist, National Gas Survey, Federal Power Commission.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-14063 Filed 8-18-72;8:47 am]

[Docket No. CP73-44]

COLORADO INTERSTATE GAS CO.

Notice of Application

AUGUST 16, 1972.

Take notice that on August 14, 1972, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP73-44 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the exchange of natural gas with Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that, under the terms of a transportation and exchange agreement with Panhandle dated July 13, 1972, Panhandle has agreed to connect available gas supplies in seventeen northeast Colorado counties and Laramie County, Wyo., with Applicant's existing mainline system. Applicant states that the proposed facilities will enable it to receive the gas supplies from Panhandle at Watkins Junction, located east of Denver, and at seven other block gates on Applicant's mainline between Watkins Junction and the Kit Carson Compressor Station. Applicant will purchase a portion of this gas delivered by Panhandle, which will approximate 10 million Mcf per year of new gas supplies, and redeliver the balance to Panhandle as exchange gas at the Lakin Compressor Station. Applicant further states that additional gas will be connected to its system by Panhandle until the volume of exchange gas redelivered by Applicant to Panhandle totals approximately 185,000 Mcf per day at 14.65 p.s.i.a. Applicant indicates that the proposed inert gas generator, required for B.t.u. control, will be operated during the period October through March and will produce a net volume of 1.24 million Mcf per year. Applicant states that it expects to obtain peak day supplies ranging from 56,300 Mcf in 1973-1974 to 62,800 Mcf in 1976-1977, including 6,800 Mcf produced by the inert generator.

Applicant will deliver the new peak day and annual gas supplies to its existing customers, as no new sales are proposed.

Applicant estimates the cost of the proposed facilities to be $4,460,431, which will be financed from current working funds, funds from operations, short-term borrowings, and/or long-term financing. Applicant states that Panhandle will reimburse it for the cost of service of all proposed facilities with the exception of the inert gas generator.

Inasmuch as Panhandle has projected curtailments for the coming heating season, it appears reasonable and consistent with the public interest 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 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14133 Filed 8-18-72;8:53 am]

[Docket No. CI73-101]

FRANK PETROLEUM INC., ET AL.

Notice of Application

AUGUST 16, 1972.

Take notice that on August 11, 1972, Frank Petroleum Inc. (Operator), et al. (Applicant) Post Office Box 7665, Shreveport, LA 71107, filed in Docket No. CI73-101 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co.

(United) from properties owned or controlled by the Applicant in the Lake Bistineau Field, Bienville Parish, La., all as more fully set forth in the application in this proceeding which is on file with the Commission and open to public inspection.

Applicant intends to commence the sale of natural gas to United within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year after the expiration of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell United up to 3,000 Mcf of gas per day at 35 cents per Mcf at 15.025 p.s.i.a.

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 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14132 Filed 8-18-72;8:53 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC.

Order Approving Acquisition of Banks

American Bancshares, Inc., North Miami, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied in separate applications for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of each of the following banks in Florida: (1) Second National Bank of Clearwater, Clearwater (Clearwater Bank); (2) Sterling National Bank of Davie, Davie (Davie Bank); and (3) First National Bank of the Upper Keys, Tavernier (Keys Bank).

Notice of these applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second smallest among 23 multibank holding companies in Florida, controls three banks with aggregate deposits of $78.1 million, representing approximately 0.5 percent of total deposits of commercial banks in the State. (All banking data are as of December 31, 1971, and reflect bank holding company formations and acquisitions as of May 31, 1971.) Upon consummation of the proposals herein, Applicant would control 0.85 percent of total deposits of commercial banks in Florida and would rank 19th among the bank holding companies in the State. Consummation of Applicant's proposals herein would constitute its initial entry into the relevant market of each bank proposed to be acquired.

Clearwater Bank ($19.5 million of deposits) ranks 11th among 18 banks operating in north Pinellas County (which approximates its market) and holds 3.7 percent of total deposits of commercial banks in that area. Applicant's subsidiary bank closest to Clearwater Bank is located in St. Petersburg, Fla., 19 miles south of Clearwater Bank's only office, and is regarded as operating in a separate banking market.

Davie Bank ($25.8 million of deposits) is the eighth largest of 14 banks in the Hollywood (Florida) area, which approximates its market and holds approximately 6 percent of total deposits of commercial banks in that area. Applicant's subsidiary bank closest to Davie Bank is located in North Miami, 14 miles southeast of Davie Bank's only banking office and operates in a separate banking market.

Keys Bank ($17.2 million of deposits) operates one banking office in the northern portion of the Florida Keys in Monroe County, Fla., and is the only bank located in its market. Applicant's subsidiary bank closest to Keys Bank is located in North Miami, 82 miles north of Keys Bank.

It appears that no meaningful competition exists between any of the banks Applicant proposes to acquire, nor between any of Applicant's present subsidiary banks and any of Applicant's proposed subsidiary banks. In addition, the prospect of such competition developing in the future between any of these banks appears unlikely, particularly in view of (1) the distances separating these banks, (2) the number of banks in intervening areas, (3) the inconvenience of travel between these banks, and (4) the provisions of Florida banking law which prohibit branch banking. On the record before it, the Board concludes that consummation of Applicant's proposals would not have an adverse effect on competition in any relevant area and, in fact, may have a procompetitive effect in the markets of Clearwater and Davie banks where affiliation with Applicant will enable those banks to compete more effectively with banks that are now members of bank holding company organizations larger than Applicant.

The financial condition and managerial resources of Applicant and its subsidiary banks appear generally satisfactory. The future prospects of Applicant and its present subsidiary banks appear favorable, particularly in light of Applicant's commitment to strengthen the capital position of its subsidiary banks. The financial condition and prospects of Clearwater, Davie, and Keys banks appear generally satisfactory. Applicant's stated plans to strengthen the capital position of Davie and Keys banks soon after acquisition of those banks and to provide additional managerial resource strength to the proposed subsidiary banks should increase their ability to provide expanded and more efficient services to their respective communities. Considerations relating to the banking factors are consistent with and lend some weight toward approval of these applications. Although the banking needs of the relevant communities generally appear adequately served by the existing banking organizations, Applicant proposes to provide trust services to customers of the subject banks through its lead bank and ability to enable these banks to accommodate larger credit requests through participations. These considerations are consistent with approval. It is the Board's judgment that consummation of the proposed transactions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are aproved for the reasons summarized above. None of the acquisitions shall be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14057 Filed 8-18-72;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

INDUSTRIAL NATIONAL CORP.

Proposed Acquisition of Southern Discount Co.

Industrial National Corp., Providence, R.I., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Southern Discount Co., Atlanta, Ga. Notice of the application was published in newspapers of general circulation in each of the 60 communities in Georgia, North Carolina, South Carolina, Florida, and Tennessee, in which the consumer finance, insurance, and data processing activities of Southern Discount Co. are conducted.

Applicant states that the proposed subsidiary would engage in the following activities: Making loans or extensions of credit and purchasing instalment sales finance contracts, and generally engaging in the business of a consumer finance company, including the discounting of consumer finance paper; acting as agent for credit life, accident, and health insurance sold to consumer finance borrowers, property damage insurance for collateral securing such loans, and uniform commercial code nonfiling insurance related to its consumer finance activities; underwriting credit life, accident, and health insurance through Consumer Life Insurance Co., Inc., a wholly owned subsidiary of Southern Discount Co.; and, engaging in data processing activities. The proposed activities will not include the activities of Southern Insurance Agency, Inc., and Henson Furniture Co., as those subsidiaries will be disposed of prior to the acquisition of Southern Discount Co. by applicant.

Such activities, with the exception of the underwriting activities of Consumer Life Insurance Co., 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 as to whether the proposed underwriting activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto. In considering this application, the Board will take into account the record of its March 24, 1972, hearing on six other applications by other applicants involving the underwriting of credit life and accident and health insurance.

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 Boston.

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 September 18, 1972.

Board of Governors of the Federal Reserve System, August 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14058 Filed 8-18-72;8:47 am]

MARSHALL & ILSELY CORP.

Acquisition of Bank

Marshall & Ilsely Corp., Milwaukee, Wis., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of American Bank and Trust Co., Racine, Wis. 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 Chicago. 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 8, 1972.

Board of Governors of the Federal Reserve System, August 15, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14060 Filed 8-18-72;8:48 am]

MERCANTILE BANKSHARES CORP.

Acquisition of Bank

Mercantile Bankshares Corp., Baltimore, Md., 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 not less than 80 percent of the voting shares of Bank of Somerset, Princess Anne, Md. 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 Richmond. 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 8, 1972.

Board of Governors of the Federal Reserve System, August 15, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14059 Filed 8-18-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 930; Class B]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1972, because of the effects of certain disaster damage resulted to residences and business property located in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the county of Dubuque, Iowa, suffered damage or destruction resulting from extensive flooding, beginning on August 1, 1972.

OFFICE

Small Business Administration District Office, 210 Walnut Street, Des Moines, IA 50309.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to November 30, 1972.

Dated: August 7, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-14071 Filed 8-18-72;8:48 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL'S COMMITTEE ON INDUSTRIAL SAFETY

Notice for Meeting

The LRAC Committee on Industrial Safety will meet at 10 a.m., August 28, 1972, in Room 2106 of the General Accounting Office Building, 411 G Street NW., Washington, DC. Agenda for the meeting follows:

1. Annual survey:
(a) 1970 results.
(b) 1971 survey status.
(c) 1972 scope and collection forms.
2. State grants and program status.
3. BLS review of 18(b) plans.
4. A.T. & T. variance from recordkeeping requirements.

5. Proposed recordkeeping changes:
(a) Small employers.
(b) Employees not in fixed establishments.
6. Other business.

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

GEOFFREY H. MOORE,
Commissioner of Labor Statistics.

[FR Doc.72-14078 Filed 8-18-72;8:48 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Notice for Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10 a.m., August 25, 1972, at the OSHA Training Institute, corner of Mannheim and Higgins Road, Chicago, Ill. Agenda for the meeting follows:

1. Annual survey:
(a) 1970 results (Z16.1).
(b) 1971 survey status.
(c) 1972 scope and report forms.
2. State grants and program status.
3. BLS review of 8(b) plans.
4. AT&T variance from recordkeeping requirements.
5. Proposed recordkeeping changes:
(a) Small employers.
(b) Employees not in fixed establishments.
6. Other business.

Signed at Washington, D.C. this 11th day of August 1972.

GEOFFREY H. MOORE,
Commissioner of Labor Statistics.

[FR Doc.72-14079 Filed 8-18-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 57]

ASSIGNMENT OF HEARINGS

AUGUST 16, 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 124211 Sub 209, Hilt Truck Line, Inc., now assigned September 18, 1972, at Chicago, Ill., is postponed indefinitely.

MC 117799 Sub 33, Best Way Frozen Express, Inc., now assigned September 14, 1972, at Chicago, Ill., hearing is canceled and application dismissed.

MC 107002 Sub 416, Miller Transporters, Inc., now assigned September 21, 1972, at New Orleans, La., postponed indefinitely.

MC-117610 Sub 8, Derrico Trucking Corp., now being assigned hearing November 6, 1972 (1 day) at New York City, N.Y., in a hearing room later to be designated.

MC-111812 Sub 441, Midwest Coast Transport, Inc., now being assigned hearing November 7, 1972 (1 day) at New York City, N.Y., in a hearing room later to be designated.

MC-136430, American Trials, Inc., now being assigned hearing November 8, 1972 (3 days) at New York City, N.Y., in a hearing room later to be designated.

MC-C-7822, Mississippi Chemical Express, Inc., and Stauffer Chemical Company, Inc.—Investigation of Operations—, now being assigned hearing September 21, 1972 (2 days), at New Orleans, La., in a hearing room to be later designated.

MC 51146 Sub 248, Schneider Transport, Inc., now being assigned September 18, 1972, MC 133922 Sub 6, William H. Nagel, doing business as Nagel Trucking, now being assigned September 19, 1972, in Room 204A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 102616 Sub 869, Coastal Tank Lines, Inc., now being assigned September 20, 1972, MC 126276 Sub 64, Fast Motor Service, Inc., now being assigned September 21, 1972, MC 119864 Sub 47, Hofer Motor Transportation Co., now being assigned September 22, 1972, in Room 286, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 107615 Sub 4, United News Transportation Co., now being assigned Hearing October 30, 1972 (2 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC 5101 Sub 7, Srein Furniture Carriers, Inc., now being assigned hearing November 1, 1972 (3 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC 21958 Sub 8, Starck Van Lines, Inc., now being assigned hearing October 2, 1972, at Pittsburgh, Pa., in a hearing room to be later designated.

MC 70083 Sub 22, Drake Motor Lines, Inc., now being assigned hearing October 2, 1972 (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

MC 128196 Sub 7, Karl Arthur Weber, now assigned October 2, 1972, at Phoenix, Ariz., will be held in Room 110, Federal Building, 230 North First Avenue.

FF-379 Sub 1, Sierra-Pacific Freight Forwarding, Inc., assigned October 4, 1972, at Reno, Nev., will be held in Room 4002, Fourth Floor, Federal Building, 300 Booth Street.

MC-136510, Over-Land Coach Lines, Inc., now being assigned hearing November 6, 1972 (1 week) at Philadelphia, Pa., in a hearing room to be later designated.

MC 125433 Sub 30, F-B Truck Line Co., assigned October 10, 1972, at Denver, Colo., will be held in Room 1430, Federal Building, 1961 Stout Street.

MC 135803 Sub 1, Wallace Transport, now assigned September 25, 1972, at San Francisco, Calif., hearing will be held in Room 1329, Appraisers Building, 630 Sansome Street, San Francisco, CA.

MC-F-10117, C.O.D.E., INC.—Control Nolte Bros. Truck Line, Inc., Utica Transfer, Inc., and G & H Truck Line, Inc., assigned September 25, 1972, at Denver, Colo., will be held in Room 1430, Federal Building, 1961 Stout Street.

MC 35320 Sub 128, T. I. M. E.-DC, Inc., now being assigned continued hearing September 12, 1972 (2 days), at Nashville, Tenn., in a hearing room to be later designated.

MC-C-5678. Consolidated Freightways Corporation of Delaware et al., V-C.O.D.E., INC., et al, and MCC 5678 Sub 1, Navajo Freight Lines, Inc. et al., V-C.O.D.E., INC., et al., assigned September 25, 1972, at Denver, Colo., will be held in Room 1430, Federal Building, 1961 Stout Street.

MC 136386 Sub 1, Go Lines, Inc., now assigned September 12, 1972, MC 84528 Sub 18, Automobile Transport Co. of California, now assigned September 13, 1972, at San Francisco, Calif., will be held in Room 1329, Appraisers Building, 630 Sansome Street.

MC-F-11376, F-B Truck Line Co.—Purchase (portion)—Larmer Transfer Co., now assigned September 18, 1972, MC 61592 Sub 213, Jenkins Truck Line, Inc., now assigned September 21, 1972, MC 32882 Sub 65, Mitchell Bros. Truck Line, now assigned September 25, 1972, at Portland, Oreg., will be held in Room 401 Multnomah Building, 319 Southwest Pine Street.

MC 135248 Sub 5, William H. Dees, doing business as Dees Transportation, now being assigned hearing September 28, 1972 (2 days), at Denver, Colo., in Room 1430, Federal Building, 1961 Stout Street.

MC-C-7777, Allied Van Lines, Inc.—Investigation and Revocation of Certificates—, now being assigned hearing October 16, 1972 (2 weeks), at Chicago, Ill., in a hearing room to be later designated.

MC 61592 Sub 260, Jenkins Truck Line, Inc., assigned September 11, 1972, at San Francisco, Calif., is canceled and application dismissed.

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 assigned September 28, 1972, at Denver, Colo., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-14115 Filed 8-18-72;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 16, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42506—*Sugar, beet or cane to points in Illinois and Wisconsin.* Filed by Western Trunk Line Committee, agent (No. A-2673), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana, trans-continental freight bureau, and western trunkline territories, to specified points in Illinois and Wisconsin.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 130 to Western Trunk Line Committee, agent, tariff ICC A-4481, and three other schedules named in the application. Rates are published to become effective on September 15, 1972.

FSA No. 42507—*Scrap iron or steel from Memphis, Tenn.* Filed by M. B. Hart, Jr., agent (No. A6317), for interested rail carriers. Rates on scrap iron or steel, in carloads, as described in the application, from Memphis, Tenn., to Ashland, Ky., and Huntington, W. Va.

Grounds for relief—Barge competition.

Tariff—Supplement 35 to Southern Freight Association, agent, tariff ICC S–901. Rates are published to become effective on September 20, 1972.

FSA No. 42508—*Lumber and related articles to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B–344), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, also Burlington, Fort Scott, Independence, and Parsons, Kans., and Old Rock, Mo.-Kans., to Corinth and Sharp, Miss., also Preston and Counce, Tenn.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 101 to Southwestern Freight Bureau, agent, tariff ICC 4607. Rates are published to become effective on September 23, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-14114 Filed 8-18-72;8:51 am]

[Notice 113]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST. 14, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5227 (Sub-No. 3 TA), filed July 31, 1972. Applicant: ECONOMY MOVERS, INC., Post Office Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal buildings and metal grain bins and components and accessories and parts thereof,* from Galesburg, Ill., Birmingham, Ala., and Kansas City, Mo., to points in Nebraska, for 180 days. Supporting shippers: Harold E. Ksiazek, Sands Construction Co., 1418 25th Street, Columbus, NE 68601, David R. Heien Construction, Inc., 1925 East Eighth Street, Fremont, NE 68025. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 97629 (Sub-No. 8 TA), filed August 2, 1972. Applicant: HILLER TRUCK LINES, INC., Post Office Drawer 1309, U.S. Highway 78, Bypass, West Jasper, AL 35501. Applicant's representative: Bishop & Carlton, 327 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Commodities generally,* except commodities requiring special equipment, explosives and commodities injurious or contaminating to other lading; (1) between Jasper, Ala., and Birmingham, Ala., from Jasper over U.S. Highway 78 to Birmingham and return over the same route. Service is authorized to or from the off-route points of Dora, Cordova, Cooley's Mill, and Sipsey, Ala. *General commodities,* except commodities requiring special equipment, classes A and B explosives, and commodities injurious or contaminating to other lading, (1) between Hamilton, Ala., and Ripley, Miss.; from Hamilton over U.S. Highway 78 to New Albany, Miss., thence over Mississippi State Highway 15 to Ripley and return over the same route; serving all intermediate points; (2) between Millport, Ala., and Starkville, Miss.; from Millport over Alabama State Highway 96 to the Alabama-Mississippi State line, thence over Mississippi State Highway 50 to Columbus, Miss., thence over U.S. Highway 82 to Starkville, and return over the same route; serving all intermediate points; (3) between Vernon, Ala., and Columbus, Miss., from Vernon over Alabama State Highway 18 to the Alabama-Mississippi State line, thence over Mississippi State Highway 12 to Columbus, and return over the same route, serving all intermediate points; (4) between Sulligent, Ala., and the junction of U.S. Highways 278 and 45 near Wren, Miss.; from Sulligent over U.S. Highway 78 to said junction and return over the same route, serving all intermediate points;

(5) Between Columbus, Miss., and Tupelo, Miss., over U.S. Highway 45, serving all intermediate points, and the off-route point of Amory, Miss.; (6) between Birmingham, Ala., and Columbus, Miss., over U.S. Highway 82, serving no intermediate points; (7) in conjunction with the foregoing routes, serving West Point, Miss., as an off-route point, and serving all intermediate and off-route points in Mississippi on and bounded by a line commencing at the Intersection of U.S. Highway 82 and the Alabama-Mississippi State line, thence along U.S. Highway 82 to the junction thereof with U.S. Highway 45, thence along U.S. Highway 45 to Tupelo, Miss., thence along U.S. Highway 78 to the Alabama-Mississippi State line, thence along the Alabama-Mississippi State line to point of beginning; (8) between Florence, Ala., and Collinwood, Tenn.; from Florence over Alabama-Tennessee State line, thence over Tennessee State Highway 13 to Collinwood and return over the same route; serving all intermediate points; *Commodities generally,* except commodities requiring special equipment, explosives, and commodities injurious or contaminating to other lading; (1) between Birmingham, Ala., and Russellville, Ala., over U.S. Highway 78 and Alabama State Highway 5, via Jasper, Double Springs, Haleyville, and Phil Campbell, serving all intermediate points and all off-route points within 10 miles of said highways; (2) between Jasper, Ala., and Phil Campbell, Ala., as follows:

Commencing at Jasper, thence over U.S. Highway 78 to Hamilton via Winfield and Guin, thence from Hamilton over U.S. Highway 43 to Phil Campbell, serving all intermediate points and all off-route points within 10 miles of said highways; (3) between Jasper, Ala., and Vernon, Ala., over Alabama State Highway 18 via Fayette, serving all intermediate points and all off-route points within 10 miles of said highway; (4) between Winfield, Ala., and Millport, Ala., as follows: Commencing at Winfield, thence over Alabama State Highway 13 to Fayette, thence from Fayette over Alabama State Highway 96 to Millport, serving all intermediate points and all off-route points within 10 miles of said highway; (5) between Millport, Ala., and Hamilton, Ala., as follows: Commencing at Millport, Ala., thence over Alabama State Highway 17 via Sulligent and Vernon to Hamilton serving all intermediate points and all off-route points within 10 miles of said highway; (6) between Sulligent, Ala., and Guin, Ala., over Alabama State Highway 118, serving all intermediate points and all off-route points within 10 miles of said highway; *General commodities,* except uncrated household goods and commodities injurious or contaminating to other lading; (1) between Florence, Ala., and Russellville, Ala., via U.S. Highway 43, serving all intermediate points; *General commodities,* except uncrated household goods, commodities injurious or contaminating to other lading and except explosives; (1) between Russellville and Birmingham, Ala., with doors closed, for operating convenience only over the following routes: between Birmingham, and Jasper, Ala., over U.S. Highway 78 and between Jasper and Russellville over Alabama Highway 5; *Commodities generally;* (1) between Decatur, Ala., and Russellville, Ala., over Alabama Highway 24 via five points, Moulton, Landersville, Newburg, and Waco, serving all intermediate points and Mount Hope as an off-route point; *General commodities;* (1) between Jasper, Ala., and Decatur, Ala., via County Road No. 41, serving all intermediate points;

---

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

(2) Between Jasper, Ala., and Cullman, Ala., via Alabama Highway 69, serving all intermediate points; (3) between Russellville, Ala., and Red Bay, Ala., via Alabama Highway 24 serving all intermediate points; *General commodities;* except household goods, (1) between Sheffield, Ala., and points within a 10-mile radius thereof; (2) between Montgomery, Ala., on the one hand, and points within a 10-mile radius thereof, on the other; *General commodities;* (1) between Birmingham, Ala., on the one hand, and, the following points on the other, to wit: Auburn, Bessemer, Decatur, Florence, Lister Hill, Opelika, Sheffield, Tuscaloosa, and Tuscumbia, with service to no intermediate points; *Commodities general,* except household goods; (1) between Birmingham, Ala., on the one hand, and Montgomery, Ala., on the other, via U.S. Highway 31, with no service to or from intermediate points; *General commodities;* except commodities; in bulk, serving Brown's Ferry, site of the TVA installation (approximately 10 miles northwest of Decatur, Ala., and unincorporated points within 5 miles thereof, as off-route points in connection with operations otherwise authorized; *General commodities;* as follows: (1) between Birmingham, Ala., Cullman and Decatur, Ala., via U.S. Highway 31 and/or I–65 for operating convenience only and serving no points except those otherwise authorized to be served; *Funeral supplies, paper products, packing house products, lubricating oil and grease, sash and doors, automobile accessories, soda ash, iron and steel articles, pumps and compressors, bailed and rope excelsior and compressed gases, containers* (empty and full), *related commodities and equipment,* as follows:

(1) Between Birmingham, Ala., on the one hand, and Anniston via U.S. Highway 79 and between Birmingham and Bessemer, Ala., via U.S. Highway 11, and with no service to or from intermediate points; *Funeral supplies, drugs and cosmetics, leather goods, paper products, packinghouse products, shoe polish, soda ash, automobile accessories, box materials, iron and steel articles, electric appliances and supplies and equipment, hardware, blankets, building materials, lubricating oil and grease, stationery supplies, compressed gases, containers* (empty or full), *related commodities and equipment* as follows: (1) between Birmingham, Ala., on the one hand, and Gadsden, Attalla, and Alabama City, on the other, via Alabama Highway 7, with no service to or from intermediate points; *building material* in truckload lots, minimum weight 7,500 lbs.; (1) between Birmingham, Ala., on the one hand, and Auburn and Opelika, Ala., on the other, via Alabama Highways 91 and 14, and U.S. Highway 241, and with no service to or from intermediate points; *sash and doors* in truckload lots, minimum weight 7,500 lbs.; (1) between Birmingham, Ala., on the one hand, and Tuscaloosa, Ala., on the other, over Alabama Highway 7, with no service to or from intermediate points; *wooden box material* in truckload lots, minimum weight 7,500 lbs.; *compressed gases, containers* (empty or full), *related commodities and equipment;*

(1) Between Birmingham, Ala., on the one hand, and, Decatur, Florence, Lister Hill, Sheffield, and Tuscumbia, Ala., on the other, via Alabama Highway 20, and U.S. Highway 31, and with no service to or from intermediate points. Authority also is sought to serve terminal areas of all municipalities at which service is otherwise authorized, viz., where the certificate authorizes service from and to an incorporated city (base point) service is authorized (1) at all points within the corporate limits of such incorporated city, (2) at all points within the corporate limits of all incorporated cities whose corporate limits are contiguous to those of the base point, and (3) at points in unincorporated areas within the distance specified below from the corporate limits of such base point or contiguous municipality: (A) Where the population of the base point is less than 2,500, 2 miles; (B) where the population of the base point is 2,500 or more, but less than 25,000, 3 miles; (C) where the population of the base point is 25,000 or more, but less than 100,000, 4 miles; and (D) where the population of the base point is 100,000 or more, 5 miles. The authority hereby extended shall not authorize any service not presently authorized at, around, or adjacent to Birmingham, Attalla, Gadsden, Mobile, Florence, Sheffield, or Tuscumbia, Ala., or municipalities contiguous or those adjacent to any of such cities, for 180 days. NOTE: Applicant intends to interline traffic at all terminal points, but, principally, at Birmingham, Decatur, Florence, Sheffield, and Tuscumbia, Ala., Columbus and Tupelo, Miss. Supported by: There are approximately 70 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 106400 (Sub-No. 89 TA), filed August 1, 1972. Applicant: KAW TRANSPORT COMPANY, Post Office Box 12628, North Kansas City, MO 64116. Applicant's representative: H. D. Holwick (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sodium silicate,* in bulk, in tank or hopper type vehicles, from Kansas City, Kans., to points in Oklahoma, South Dakota, and Wyoming, for 180 days. Supporting shipper: Philadelphia Quartz Co., Philadelphia, Pa. 19108. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 108382 (Sub-No. 16 TA), filed August 1, 1972. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Post Office Box 357, Bay City, MI 48706. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Calcium chloride* (except in bulk), from the plantsites and warehouse facilities of Dow Chemical U.S.A. located at Ludington and Midland, Mich., to points in Illinois, Indiana, Ohio, Kentucky, West Virginia, Wisconsin, those points in Pennsylvania on and west of U.S. Highway 220 from the Maryland border north to its junction with U.S. Highway 15, thence north on U.S. Highway 15 to its junction with Pennsylvania State Highway 14, thence north over Highway 14 to the New York border and, those points in New York on and west of U.S. Highway 11 and on and south of New York State Highway 13 from Lake Ontario to its junction with U.S. Highway 11 at Pulaski, N.Y., for 180 days. Supporting shipper: Fred Asch, Jr., Traffic Superintendent, Dow Chemical U.S.A., Midland, Mich. 48640. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 111170 (Sub-No. 192 TA), filed August 2, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Filter sand,* in bulk, from Fort Smith, Ark., to Texarkana, Tex., for 180 days. Supporting shipper: Gulf Degremont, Inc., Martinsville Road, Liberty Corner, N.J. 07938. Send protests to: District Supervisor, William H. Land, Jr., 2519 Federal Office Building, Interstate Commerce Commission, Bureau of Operations, 700 West Capitol, Little Rock, AR 72201.

No. MC 111401 (Sub-No. 370 TA), filed July 31, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid cleaning compound,* in bulk, in tank vehicles, from Dallas, Tex., to Oklahoma City, Okla., for 180 days. Supporting shipper: Kenneth D. Ake, District Manager, Du Bois Chemicals, Post Office Box 22003, Dallas, Tex. 75222. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113908 (Sub-No. 233 TA), August 1, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fruit juice, fruit juice concentrate,*

and ingredients, in bulk, in tank vehicles, from North East, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming, and from points in the above States to North East, Pa., for 180 days. Supporting shipper: Keystone Foods, Inc., North East, Pa. 16428. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115904 (Sub-No. 27 TA), filed July 31, 1972. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, ID 83401. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials, and materials and supplies* used in the manufacture, installation, or distribution thereof (except commodities in bulk), from Sigurd, Utah, to points in Colorado, for 180 days. NOTE: Applicant does not intend to tack authority or interline with other carriers. Supporting shipper: United States Gypsum Co., 525 South Virgil Avenue, Los Angeles, CA 90020. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

No. MC 123392 (Sub-No. 41 TA), filed August 1, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Welson M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen, oxygen, and argon*, between points in Texas and New Mexico, for 180 days. Supporting shipper: R. E. Bryant, Manager, Distribution Liquid Air, Inc., Post Office Box 877, La Porte, TX 77571. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 126049 (Sub-No. 12 TA), filed July 31, 1972. Applicant: DODEN TRUCKING COMPANY, INC., Woden, Iowa 50484. Applicant's representative: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk and packaged ice cream, ice milk, and sherbet and ice cream, ice milk, sherbet, and fruit flavored novelty items*, between Mason City, Iowa, on the one-hand, and, on the other, St. Louis and Kansas City, Mo., for 180 days. Supporting shipper: Borden Dairy & Services Div., Borden, Inc., 115 First Street SW., Mason City, IA 50401. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128575 (Sub-No. 8 TA), filed July 25, 1972. Applicant: GOLDEN WEST TRUCKING CO., 12780 Southwest Prince Albert Street, Tigard, OR 97223. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, and lumber and timbers*, fabricated or not fabricated, *and related hardware items*, for the foregoing, from the plant of Timfab, Inc., at or near Clackamas, Oreg., to points in California, Nevada, Arizona, Oregon, Washington, Idaho, Montana, Utah, Colorado, and New Mexico, for 180 days. Supporting shipper: Timfab, Inc., 10037 Southeast Mather Road, Clackamas, OR. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 129068 (Sub-No. 15 TA), filed July 31, 1972. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 South Douglas Boulevard, Oklahoma City, OK 73150. Applicant's representative: Jack L. Griffin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements and (2) *Buildings* (Modulars), complete, knocked down or in sections, when moving on wheeled undercarriages, in initial movements, from points in Carter County, Okla., to points in Texas, Arkansas, Louisiana, Missouri, Kansas, Nebraska, South Dakota, Colorado, New Mexico, and Wyoming, for 180 days. Supporting shipper: Ken Gracy, Manager of Materiel, Space Corp., Shilo Road and Fairdale Avenue, Garland, Tex. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 134349 (Sub 5 TA), filed August 1, 1972. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith, *supplies and equipment* used in the conduct of such business, between: New York, N.Y.; Secaucus, N.J.; and Jersey City, N.J., on the one hand, and, on the other, points in Pennsylvania and Delaware, for 150 days. Supporting shipper: Gaylords National Corp., 10 Enterprise Avenue, Secaucus, NJ 07094. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 135874 (Sub-No. 11 TA), filed August 1, 1972. Applicant: LTL PERISHABLES, INC., 132d and Q Streets, Omaha, NE 68137, Mailing: Post Office Box 31468 (68152). Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat packinghouse products* (except hides and commodities in bulk), from Minneapolis-St. Paul, and St. Cloud, Minn., and Mason City, Dubuque, Davenport, and Tama, Iowa, to Lincoln, Omaha, and Grand Island, Nebr., for 180 days. Supporting shipper: Hart Meat Brokers, Inc., 2410 O Street, Lincoln, NE 68510. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Office Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 136159 (Sub-No. 7 TA), filed July 28, 1972. Applicant: AVIS HIGGINS, doing business as A.B.S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expandable polystyrene products*, from Sparta, Wis., to points in Iowa, Minnesota, and Illinois; and (2) *refused or rejected shipments of expandable polystyrene products*, on return from points in Iowa, Minnesota, and Illinois to Sparta, Wis., for 180 days. Supporting shipper: Plastronic Packaging Corp., South Water Street, Sparta, WI 54656. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wislon Street, Room 206, Madison, WI 53703.

No. MC 136332 (Sub-No. 3 TA), filed August 1, 1972. Applicant: A. & M. TRANSPORT LTD., Post Office Box 11, Havelock, NB, Canada. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, ME 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcined lime*, in bulk, in dump vehicles, from the port of entry at the international boundary line between the United States and Canada at or near Houlton, Maine to Augusta, Maine, for 150 days. Supporting shipper: Havelock Processing, Ltd., Havelock, New Brunswick, Canada, Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, ME 04112.

No. MC 136930 TA, filed July 26, 1972. Applicant: THE GAIL CORPORATION, Falls, Pa. 18615. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Fiberglass reinforced plastic sewage disposal units,* uncrated, weighing less than 500 pounds, *and parts and supplies* used in the installation and operation of the above-named commodity, from Falls Township, Wyoming County, Pa., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment, and supplies* used or useful in the production, manufacture and distribution of the above commodities (except bulk commodities), from the above-named destination points to the above-named origin; and (3) *plastic drainage tubing,* corrugated or not corrugated, from Falls Township, Wyoming County, Pa., and Geneva, N.Y., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Nayadic Sciences, Inc., Village of Eagle, Uwchland, Pa. 19480. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136933 TA, filed August 2, 1972. Applicant: J. B. JACKSON, SR., AND J. B. JACKSON, JR., doing business as JACKSON'S TRANSFER, Post Office Box 1316, Laurinburg, NC 28352. Applicant's representative: J. B. Jackson, Jr. (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel products,* from State Port, Wilmington, N.C., to plantsite, Southeastern Wire Manufacturing Corp., Maxton, N.C. for 180 days. Supporting shipper: Southeastern Wire Manufacturing Corp., Post Office Box 1489, Laurinburg, NC 28352. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-14116 Filed 8-18-72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NATIONAL ADVISORY DRUG COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 13 of Executive Order 11671 of June 5, 1972, notice is hereby given that the next meeting of the Ophthalmic Drugs Advisory Committee will be held on August 22, 1972, commencing at 9 a.m. in Conference Room K, Third Floor, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.

The agenda will cover consideration and discussion of the FDA proposal published in the FEDERAL REGISTER of April 28, 1972 (37 F.R. 8534) to revise the method for testing hazardous substances for eye irritation prescribed by § 191.12 of the hazardous substances regulations (21 CFR 191.12).

The meeting shall be open to the public and a period of time will be allotted for public participation. A list of committee members and summary minutes may be obtained from William E. Gilbertson, Pharm. D., Executive Secretary, Ophthalmic Drugs Advisory Committee, Room 12B25, 5600 Fishers Lane, Rockville, MD 20852.

Dated: August 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-14196 Filed 8-18-72;9:57 am]

PRICE COMMISSION

AUTOMOBILE MANUFACTURERS

Notice of Public Hearing Regarding Price Increases

Notice is hereby given that the Price Commission will hold a public hearing beginning at 9:30 a.m., Tuesday, September 12, 1972 at the Price Commission Auditorium, 2000 M Street NW., Washington, DC, to receive information and the views of interested persons on price increase requests currently pending before the Price Commission from automobile manufacturers (American Motors, Chrysler, Ford, and General Motors). Should any of those price increase requests be found not to be technically qualified before the date of the hearing, the hearing will be held with respect to the remainder of the requests. Further information regarding the price increase requests may be obtained at the Public Reference Facility of the Price Commission, Room 2313, 2000 M Street NW., Washington, DC, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

The public hearing hereby scheduled is consistent with the Commission's intent to comport with the stated desire of Congress (section 207 of the Economic Stabilization Act of 1970, as amended) for public hearings on matters which have a significantly large impact on the national economy.

Any person who has a substantial interest in the subject of the hearing, or who is a representative of a group or class of persons which has a substantial interest in the subject of the hearing, may submit, on or before 12 noon, September 1, 1972, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation. Oral presentations may be supplemented by written submissions filed with the Commission before September 30, 1972. The Commission reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard. In addition, the Commission requests all other interested persons to submit written suggestions and comments on the subject for Commission consideration by September 30, 1972.

All written submissions and requests to make an oral presentation should be sent to the Office of General Counsel, Price Commission, 2000 M Street NW., Washington, DC 20508.

A transcript of the hearing will be made; anyone may buy a copy of the transcript from the reporter.

Issued in Washington, D.C. on August 18, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-14220 Filed 8-18-72;11:13 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:
November 14, 1876 (revoked by PLO 5243) 15994
June 28, 1879 (revoked by PLO 5243) 15994
11322 (see EO 11677) 15483
11419 (see EO 11677) 15483
11533 (see EO 11677) 15483
11677 15483
11678 16667

5 CFR

213 ..... 15365, 15501, 15855, 16073, 16167, 16400
930 16787

PROPOSED RULES:
890 16553

6 CFR

Ch. II 16091
101 16500
102 16500
200 15516
201 15931
300 ..... 15366, 15429, 15996
301 16669

PROPOSED RULES:
300 15523

7 CFR

17 16669
26 15911
29 15501
35 16167
68 16597
301 16533
331 15911
701 16787
811 16470
814 16471
831 16168
908 ..... 15501, 16090, 16597, 16787
910 ..... 15366, 15885, 15912, 15979, 16385, 16787
911 15366
919 ..... 16168, 16385
926 16386
927 15855
930 16169
931 15366
946 16597
947 16598
958 16169
993 15979
1030 15368
1076 16533
1094 16091
1464 15856
1861 15502

PROPOSED RULES:
55 15517
61 16198
815 15936
910 16104
911 15707

7 CFR—Continued

Page

PROPOSED RULES—Continued
912 16805
918 16407
926 ..... 15380, 16199
932 16806
944 15874
945 16104
981 16678
989 16612
991 16678
1030 15997
1036 15999
1050 16503
1079 15380
1108 15874
1207 ..... 15380, 15381

8 CFR

212 15419
238 15419
242 15419

9 CFR

76 ..... 15419, 15420, 15912
82 ..... 15111, 15913, 15914
83 ..... 15914, 16788
97 16534
308 15368
309 15368
310 15368
318 ..... 15368, 16386
325 15368
327 15368
331 15368

10 CFR

9 15624

PROPOSED RULES:
305 16199

12 CFR

220 ..... 15378, 15421
545 ..... 15379, 16189, 16534
582 16535

PROPOSED RULES:
226 ..... 15522, 16408
541 16201
545 16201

13 CFR

107 16789
120 16387
121 ..... 15981, 16474
123 16387

14 CFR

21 16789
39 ..... 15369, 15421, 15423, 15512, 15697, 15914, 16475, 16535, 16536, 16789
43 ..... 15968, 15983
61 15698
71 ..... 15370, 15423, 15424, 15512, 15513, 15698, 15857, 15915, 15984, 15985, 16073, 16074, 16170, 16171, 16388, 16475, 16536, 16537, 16598, 16599, 16790
73 ..... 15875, 15985, 16598, 16791

14 CFR—Continued

Page

75 ..... 16475, 16599
91 ..... 15698, 15983
97 ..... 15698, 16074, 16599
121 15983
127 15984
135 15698
212 15424
214 15424
217 15513
221 16476
229 16476
241 15425
372 15425
373 ..... 16171, 16537
378 16172

PROPOSED RULES:
37 16106
39 ..... 15434, 16106, 16621
47 16505
61 15435
63 15435
71 ..... 15383–15385, 15435, 15436, 15936–15938, 16001, 16107, 16552, 16621, 16622, 16810–16812
73 16812
75 ..... 15708, 16107, 16552
91 ..... 15435, 15436, 16553, 16622
93 16200
103 15938
121 ..... 15435, 15938
123 15435
127 15435
135 ..... 15435, 15938
141 15435
Ch. II 15518
288 15711
399 15711

15 CFR

387 (see EO 11677) 15483
390 15991

16 CFR

13 ..... 16480–16484, 16600–16602
240 15699

PROPOSED RULES:
302 16003

17 CFR

200 16791
230 15985
231 15985
239 ..... 15989, 15991
240 16388
270 16075

PROPOSED RULES:
230 ..... 16005, 16008
239 ..... 16005, 16016
240 ..... 16005, 16023, 16409
241 16011
249 ..... 16005, 16016, 16023

18 CFR

2 ..... 15857, 16189
104 16797
105 16797
204 16797
205 16798
260 ..... 15425, 16798

18 CFR—Continued

PROPOSED RULES:

Ch. I 15710
101 ..... 16201, 16813
104 ..... 16201, 16813
105 16201
120 16201
141 ..... 16201, 16813
201 ..... 16201, 16813
204 ..... 16201, 16813
205 16201
221 16201
260 ..... 16201, 16813

19 CFR

Ch. I 16485
1 16486
4 16486
8 16487
23 16487
123 16487
153 15700
161 16487
162 16488

PROPOSED RULES:

4 16092
6 16092
8 16092
9 16092
10 ..... 15707, 15872, 16092
11 16092
23 16092
123 16092
148 16092

20 CFR

650 16173

PROPOSED RULES:

625 16104

21 CFR

2 16669
3 ..... 15858, 16174
27 15991
31 16174
121 ..... 15426, 15859, 15915, 15916, 15992, 16075, 16175, 16176, 16389, 16470, 16798
135 ..... 16076, 16176, 16602
135a 16176
135b 16076, 16539
135c 16076, 16539
135e 15701, 16077, 16390, 16540
146a 16670
147 16077
148g 16077
149h 15701
191 16078
273 15993
301 15918
303 15919
304 15920
305 15920
306 15921
307 15921
308 15922
311 15922
312 15923
316 15924

PROPOSED RULES:

19 15875
121 ..... 15434, 16407, 16551, 16613
130 16503
135 16200
141a 16104

21 CFR—Continued

PROPOSED RULES—Continued

146a 16104
149j 16104
167 16613
273 16679
301 15933
303 15933
306 15933

22 CFR

9 15624
41 15372

23 CFR

App. A 15924

PROPOSED RULES:

Ch. II 15602

24 CFR

42 16603
115 16540
203 ..... 15426, 16390
207 15426
213 16391
220 15426
235 16391
270 15701
271 15704
275 ..... 15427, 16392
300 16799
1914 ..... 15427, 16081 16543, 16673
1915 ..... 15428, 16082, 16674
1930 15706

PROPOSED RULES:

203 ..... 15383, 16505
207 16809
213 ..... 16505, 16809
220 16809
221 16809
222 16505
227 16809
231 16809
232 16809
234 16809
235 16809
236 16809
241 16809
242 16809
244 16809

25 CFR

221 15924
231 16393

26 CFR

1 ..... 15485, 16177, 16544
31 16544

PROPOSED RULES:

1 16551

28 CFR

0 16603
17 15645
42 16671

PROPOSED RULES:

17 16401

29 CFR

462 16799
520 16177
570 16177
694 16493
697 16493
725 16493

PROPOSED RULES:

1 16507
5 ..... 16507, 16814
10 16814
103 ..... 15710, 16622, 16813
1910 ..... 15880, 16507
1951 15880
2200 15470

30 CFR

75 16545

31 CFR

316 16064
342 15514

32 CFR

91 16674
159 15655
806 16603
1453 16494
1710 16800
1900 15686

PROPOSED RULES:

1660 15522
1661 15522

32A CFR

Ch. VI (BDC):
DPS Reg. 1, Dir. 1 16494

PROPOSED RULES:

Ch. X:
OI Reg. 1 16609

33 CFR

1 16546
110 15993
127 16675
179 15776
181 15777
183 15780
211 15371
402 15516

PROPOSED RULES:

117 16551

38 CFR

13 15925

39 CFR

619 16675
761 16801

PROPOSED RULES:

3001 ..... 15437, 16554, 16555

40 CFR

52 16177
180 ..... 16178, 16494, 16495, 16803

PROPOSED RULES:

162 15522
180 16812

41 CFR

Page

1–1 15372
3–1 ..... 16080, 16396
3–3 15859
3–4 ..... 15861, 16396
3–75 15861
9–3 16547
9–54 16081
15–3 15993
101–11 15687
101–46 16677
105–61 15688
114–43 16399

42 CFR

57 ..... 15863, 16082, 16676
73 15994
78 16461

PROPOSED RULES:

51 16617

43 CFR

2 15865
19 16079
20 15373

PUBLIC LAND ORDERS:

5180 (revoked in part by PLO 5242) 15513
5186 (revoked in part by PLO 5242) 15513
5242 15513
5243 15994
5244 16079
5245 16178

PROPOSED RULES:

2530 16198

45 CFR

205 16080
233 15866
250 16672
909 16844

45 CFR—Continued

Page

PROPOSED RULES:

Ch. I 15970
206 16551

46 CFR

33 16179
56 16803
75 16179
94 16179
110 16547
146 ..... 15994, 16495
192 16179
510 16547

PROPOSED RULES:

2 15999
10 ..... 16000, 16374
66 16000
90 15518
94 15518
112 15518
146 15999
166 16000
308 15866
381 16678
536 16554

47 CFR

0 ..... 15428, 15925, 15928
1 15928
73 15927
78 15925
81 15866
89 16181
91 16182
93 16185
97 15928

PROPOSED RULES:

1 ..... 15436, 15711
2 ..... 15714, 16682
25 16003
73 ..... 15436, 15437, 15741, 15940, 16554, 16812
76 15437
89 16682

47 CFR—Continued

Page

PROPOSED RULES—Continued

91 16682
93 16682

49 CFR

171 16496
172 16496
173 16496
571 ..... 15430, 15514, 16186, 16497, 16604, 16803
1033 ..... 15369, 15433, 15514, 15515, 15929, 15930, 16549
1048 ..... 15701, 15995
1131 15867
1306 ..... 15868, 15869
1307 ..... 15868, 15869

PROPOSED RULES:

391 15708
171 16108
172 16108
173 16108
174 16108
178 16108
393 16001
571 ..... 16002, 16200, 16505, 16553
1048 16004
1201 16206
1241 16005

50 CFR

28 ..... 16085, 16605
32 ..... 15515, 15516, 15930, 15931, 16085–16090, 16186–16188, 16549, 16550, 16605–16607
33 ..... 16090, 16188, 16608

PROPOSED RULES:

242 16806
260 16679
261 16808
263 16808
266 16808
276 16808
277 16808
279 16808

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
15905–15971	Aug. 8
15973–16066	9
16067–16160	10
16161–16378	11
16379–16454	12
16455–16526	Aug. 15
16527–16589	16
16591–16659	17
16661–16779	18
16781–16850	19

federal register

SATURDAY, AUGUST 19, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 162

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

Nutrition Program for the Elderly

Title 45—PUBLIC WELFARE

Chapter IX—Administration on Aging, Social and Rehabilitation Service, Department of Health, Education, and Welfare

PART 909—NUTRITION PROGRAM FOR THE ELDERLY

Notice of proposed rule making for the Nutrition Program for the Elderly was published in the FEDERAL REGISTER on June 6, 1972 (37 F.R. 11257). The following substantive changes in the proposed regulations have been made as a result of comments received:

1. *Project size* (*§ 909.24*). The national standard for a minimum project size has been deleted. Instead, each State agency will set forth its own criteria, in the State plan, for determining minimum project sizes adequate to facilitate economical meal service and adequate supporting services, and to enable effective coordination by the project with other service providers in the area. This change has been made to allow more flexibility and to bring the project closer to the actual participants.

2. *Rural projects* (*§ 909.24 and § 909.40*). Provision for two exceptions in the regulations has been added to allow rural areas to share equitably in this program. When approved by the State agency, rural projects are not required to serve hot meals 5 days per week at every site, as long as the project, at sites throughout its area, serves hot meals 5 days per week. Projects in sparsely populated rural areas will not be required to serve 100 meals daily.

3. *Suggested contributions* (*§ 909.44*). This section has been amended to make it clear that a project can establish a single suggested flat fee for participant contributions.

4. *Minority* (*§ 909.3*). The definition of minority, and therefore the special considerations to be given to such groups under this program, can now be extended by the State agency to include additional limited English-speaking groups.

5. *Advisory assistance* (*§ 909.20*). The functions of the State level advisory assistance have been set forth.

6. *Public information* (*§ 909.27*). A freedom of information policy for the State agency has been added.

7. *Department of Agriculture programs* (*§ 909.44, § 909.45, and § 909.61*). The wording concerning the food stamp and food distribution programs has been amended to correctly reflect the regulations and procedures governing these programs.

8. *Supporting social services* (*§ 909.42*). Shopping assistance has been added to the supporting services necessary to carry out the purposes of the nutrition program.

The following additional substantive changes have been made to strengthen the nutrition program:

1. *Training of State agency personnel* (*§ 909.19*). This section adds a requirement for training State level staff who administer this program.

2. *Relationship to local planning efforts* (*§ 909.24*). Two additional paragraphs have been added to require the comments of any local office on aging on any nutrition project application for the area; and to require nutrition projects to cooperate with local planning agencies and providers of services for the aging.

Other changes were made to clarify existing provisions, such as the references to the Administration on Aging as the administering Federal agency.

Additional comments were received concerning the following provisions:

1. *Selection of project areas and meal sites* (*§ 909.23 and § 909.38*). Comments were received stating that the poverty threshold is too low an income criterion for site selection. Most of the comments recommended using the Bureau of Labor Statistics Intermediate Budget Level for selecting sites. The poverty level income is a low standard; however, it has been determined that the limited resources of the Nutrition Program for the Elderly should be concentrated on the 25 percent of elderly with incomes below the poverty level as opposed to the approximately 55 percent of the elderly with incomes below the Bureau of Labor Statistics Intermediate Level. It should also be noted that the income criterion applies only to project area and site selection, and in no case to individual participants.

2. *Project councils* (*§ 909.37*). Several comments were received regarding the project council. Most wanted to mandate the council at the site level. Others stated that the council should not be mandatory. Although it has been decided not to require a council at each site, site level councils are permitted where this seems desirable for the project.

3. *Supporting social services* (*§ 909.42*). Comments were received to the effect that a 20 percent limitation on supporting services expenditures is too low, especially for rural areas. There was a misunderstanding by many of those commenting that this limitation applied to individual projects; in fact, the limit is an average for all projects within a State. Although most rural projects, because of transportation expenses, will be likely to incur expenses for supporting services in excess of 20 percent of their project budget, this should be balanced by relatively lower costs in urban areas. In addition, these regulations encourage the use, wherever possible, of other resources to provide services needed by the participants in the nutrition projects so that the maximum amount of title VII funds can be used for the provision of actual meals to the elderly.

4. *Requirements for staff, advisory assistance, and council members* (*§ 909.18, § 909.20, § 909.35, and § 909.37*). Numerous suggestions were received to establish specific requirements for the individuals responsible for the provision of, or advising on, the nutrition activities of the State agency and the projects. It has been decided, however, to rely on the judgment of the State agency and projects to determine the qualification requirements for such persons.

Grants for this program cannot be made until funds have been appropriated for it. The full amount of the authorization, $100 million, has been requested for this program and has been approved by both Houses of Congress. When the appropriation bill is enacted the funds will be allocated to the States according to the formula specified in the law.

Federal financial assistance extended under this part is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

A new Part 909 is added to Chapter IX of Title 45 of the Code of Federal Regulations to read as follows:

Subpart A—General

Subpart B—The State Plan

Subpart C—State Agency

Subpart D—State Administration

Subpart E—Standards for Nutrition Projects

Subpart F—Allotment of Funds

Subpart G—Program Costs

Subpart H—Availability of Surplus Commodities

Subpart I—Treatment of Income

AUTHORITY: The provisions of this Part 909 issued under secs. 101 et seq., 79 Stat. 218–226, 81 Stat. 106–108, 82 Stat. 1101, 83 Stat. 108–115, 86 Stat. 88–95; 42 U.S.C. 3001 et seq.

Subpart A—General

§ 909.1 Purposes of the program.

(a) Many elderly persons do not eat adequately because:

(1) They cannot afford to do so;

(2) They lack the knowledge and/or skills to select and prepare nourishing and well-balanced meals;

(3) They have limited mobility which may impair their capacity to shop and cook for themselves; and

(4) They have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone.

These and other physiological, psychological, social, and economic changes that can occur with aging result in a pattern of living which may cause malnutrition and further physical and mental deterioration.

(b) The purpose of this program is to provide older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private facilities where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of the population through improved nutrition, such a program is aimed at reducing the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

§ 909.2 Applicability.

This part applies to the program under title VII of the Older Americans Act.

§ 909.3 Definitions.

For the purposes of this part, in addition to the definitions in § 901.2, the following definitions apply:

(a) "Eligible individuals" are those persons who are aged 60 or over and who:

(1) Cannot afford to eat adequately;

(2) Lack the skills and/or knowledge to select and prepare nourishing and well-balanced meals;

(3) Have limited mobility which may impair their capacity to shop and cook for themselves; or

(4) Have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone.

The spouses of such individuals are also considered eligible individuals.

(b) "Minority individuals" are those persons who identify themselves as American Indian, Negro, Oriental, or Spanish language and members of any additional limited English-speaking groups designated as minority within the State by the State agency.

(c) "Project area" means the geographic area for which a single project award is made.

(d) "State agency" means the agency designated by the Governor and approved pursuant to § 909.13 to administer the nutrition program under this part.

Subpart B—The State Plan

§ 909.4 Purpose.

The basic condition for receiving Federal funds under title VII of the Older Americans Act is the submission by the State agency of a State plan, or an amendment to the existing State plan under title III of the Act, meeting the requirements of title VII and of this part, in the form and containing the information prescribed by the Administration on Aging of the Social and Rehabilitation Service. The State plan is a commitment by the State to carry out the nutrition program in keeping with the provisions of title VII of the Act and all regulations, policies and procedures established by the Secretary. As used in this part, State plan refers either to an amendment to the existing State plan under title III of the Act, or to a separate State plan for this program.

§ 909.5 Plan development.

The State plan will be developed by the State agency designated under § 909.13. If this State agency is also the agency designated pursuant to section 303 of the Older Americans Act, this State plan will be in the form of an amendment to the State plan provided in section 303 of the Act; and will fulfill only the requirements of this part which are not already fulfilled in compliance with Part 903 of this chapter.

§ 909.6 Plan submission and approval.

The State plan and all amendments thereto shall be submitted by a duly authorized officer of the State agency to the Regional Commissioner of the Social and Rehabilitation Service. The Regional Commissioner, together with the Associate Regional Commissioner on Aging, reviews the plan or amendments and approves them within his delegated authority. Any State plan or amendments meeting the requirements of title VII of the Act and of this part shall be approved.

§ 909.7 Plan amendments.

The State agency's administration of the program shall be in conformity with the State plan as approved. Whenever there is any material change in the content or administration of the State plan as approved, or when there has been a change in pertinent State law or in operations of the State agency affecting the plan, the State plan shall be appropriately amended.

§ 909.8 Plan review.

The approved State plan and all amendments shall be subject to review as the Secretary may prescribe.

§ 909.9 Plan disapproval.

No State plan or any modification thereof submitted under title VII of the Act shall be finally disapproved by the Secretary without first affording the State reasonable notice and opportunity for a hearing.

§ 909.10 Withholding of funds.

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under title VII of the Act finds that:

(a) The State plan no longer complies with the provisions of title VII of the Act; or

(b) In the administration of the plan, there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of title VII of this Act (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under title VII of the Act, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure as the case may be.

§ 909.11 Appeal procedures.

If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under this part, or with respect to termination of payments in whole or in part under § 909.10, such State may, within

60 days after notice of such action, file with the U.S. court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

§ 909.12 Review of plan by Governor.

The State plan shall provide that the office of the Governor will be given an opportunity to review the State plan, plan amendments and related material, in accordance with the requirements of § 204.1 of this title.

Subpart C—State Agency

§ 909.13 State agency.

(a) The State plan shall identify the single State agency that has been established or designated as the sole agency for administering or supervising the administration of the State plan under title VII of the Act, and coordinating operations under this plan with other agencies providing services to the elderly.

(b) This State agency shall be the agency designated pursuant to section 303(a)(1) of the Act, unless the Governor of such State shall, with the approval of the Secretary, designate another agency. Such other agency will be approved by the Secretary only if the Governor shows that such agency is more capable than the State agency designated under section 303(a)(1) of the Act to:

(1) Administer the Nutrition Program for the Elderly, including necessary supporting social services, for the purposes described in this part; and

(2) Coordinate this nutrition program with other programs for the aging in the State.

(c) If another agency is so designated and approved by the Secretary, the State plan must assure that the planning and implementation of the program will be conducted in close coordination with the title III program under this Act.

§ 909.14 Authority of the State agency.

The State plan shall contain a certification by the State attorney general that the State agency has the authority to submit the State plan; is the sole State agency responsible for administering or supervising the administration of the State plan; and that nothing in the State plan is inconsistent with State law.

§ 909.15 Organization of the State agency.

The State plan shall provide that there will be a single organizational unit within the State agency with delegated authority for the administration of the State plan under title VII of the Act. If the State agency is an independent single purpose agency, such agency in its entirety, may constitute the single unit. If the State agency designated to administer the program under title VII of the Act is the same agency designated to administer title III of the Act and this agency is a multipurpose agency, the single organizational unit designated pursuant to this part shall be the same unit designated pursuant to § 903.12 of this chapter.

Subpart D—State Administration

§ 909.16 Annual State operating plan.

The State plan shall provide that the State agency will submit, by May 1 of each year, an annual State operating plan which will describe how the program will be implemented throughout the State. Such plan will be developed and submitted in accordance with guidelines issued by the Administration on Aging of the Social and Rehabilitation Service.

§ 909.17 Program evaluation.

The State plan shall provide that the State agency will conduct an ongoing evaluation of the nutrition program on a statewide as well as individual project basis. The evaluation system developed and carried out by the State must be designed so as to measure the impact of the nutrition program on the target group of eligible individuals determined by the State agency. As a part of its evaluation, the State shall conduct onsite evaluations of each nutrition project within the State at least quarterly.

§ 909.18 Staffing.

(a) The State plan must assure that there will be adequate numbers of qualified staff, including persons knowledgeable in nutrition or dietetic services and supporting social services essential for the nutrition program, within the single organizational unit designated under § 909.15.

(b) Such staff, supplemented as necessary by qualified consultants, must be adequate to provide effective implementation of the program at the State level, and to provide technical assistance to local projects, in such program areas as planning, nutrition and nutrition education, dietetics, food preparation and delivery, cost allocation, purchasing, general operations and evaluation.

(c) If the State agency designated is not the agency designated pursuant to section 303(a)(1) of the Act, the unit within the agency shall be headed by an individual qualified by education and experience to assume leadership of the program, assigned full time solely to this activity.

(d) The State plan shall set forth the proposed staffing pattern for the administration of this program.

§ 909.19 Training of State agency personnel.

The State plan shall provide that the State agency will provide for training of State agency staff as may be necessary to administer the program effectively throughout the State. All such training must be in conformance with training standards prescribed by the Administration on Aging of the Social and Rehabilitation Service, and include attendance at training specifically provided for by the Adminsiration on Aging of the Social and Rehabilitation Service with regard to this program.

§ 909.20 Advisory assistance.

(a) The State plan shall provide that the State agency shall obtain advisory assistance from consumers of service under this part, including members of minority groups, and persons knowledgeable in the provision of nutrition services.

(b) The State plan shall provide that advisory assistance will be obtained by the State agency on all aspects of the nutrition program within the State and will include review of and advice on the annual State operating plan.

(c) The State plan shall set forth the method by which such advisory assistance shall be obtained.

(d) The advisory assistance for this program must be functional prior to the approval by the State agency of awards under this part.

§ 909.21 Coordination with other agencies.

The State plan shall provide that in the development and implementation of this program, the State agency shall consult with and utilize the resources of appropriate public and private agencies, to the extent possible. Such agencies shall include health and mental health, public assistance, medicaid, social services, rehabilitation, education, economic opportunity, and food and agricultural agencies. These relationships shall include joint planning, the sharing of information, and the negotiation of working agreements necessary to carry out the purposes of this part, and specifically the purposes of § 909.43. The purpose of this activity shall be to assure the development and delivery of comprehensive and coordinated services in connection with the services provided under this part.

§ 909.22 Identification of target groups to be served.

(a) The State plan shall provide that the State agency will identify target groups of eligible individuals in the State having greatest need for nutrition services. The criteria to be used by the State in selecting such target groups shall include those factors set forth in § 909.1.

(b) The State plan shall contain assurances that the projects approved under this part will be designed to serve

primarily those target group individuals determined to be in greatest need of such services.

§ 909.23 Selection of areas for project awards.

(a) The State plan shall provide that:

(1) Each urban area selected to receive an award will include major concentrations of target group older persons identified pursuant to § 909.22 whose income is below the current Department of Commerce, Bureau of the Census poverty threshold;

(2) Each rural area selected to receive an award will contain a high proportion of target group older persons identified pursuant to § 909.22 whose income is below the current Department of Commerce, Bureau of the Census poverty threshold.

(b) In selecting areas for project awards, the State agency should consider the number of minority group eligible individuals in such areas, in order to assure that of the total number of elderly served each fiscal year, minority individuals will be served, at least in proportion to their numbers of the eligible individuals in the State.

§ 909.24 Project awards.

The State plan shall provide that:

(a) In implementing this program, the State agency may make awards in cash or in kind in the form of grants to, or contracts with, any public or private nonprofit institution or organization, agency, political subdivision of a State, or Indian tribal organization, which submits an application in keeping with guidelines established by the Administration on Aging of the Social and Rehabilitation Service and the State agency and which meets the other conditions of this part.

(b) The State agency will, to the extent feasible, make awards to projects, or provide for subcontracts within such awards, to be operated by minority individuals, at least in proportion to their numbers of eligible individuals in the State.

(c) The State agency will establish criteria for the minimum size of projects to be approved in the State. The criteria shall be designed to assure that projects are sufficiently large for effective achievement of the purposes of the program, including:

(1) Economical delivery of meals;

(2) Provision of needed supporting social services; and

(3) Coordination and linkage of project activities with other related service programs in the project area.

The criteria established shall be set forth in the State plan.

(d) Each project must serve an average of at least 100 meals daily throughout the project area. Projects operated in sparsely populated rural areas may serve less than 100 meals daily when the need for an exception is documented by the State agency.

(e) For each project area selected by the State agency to receive funds under this part, there shall be a single recipient of such award for the entire project area. Any recipient of a project award must have the capacity to assure effective implementation of the program throughout the project area.

(f) If the applicant agency is not a public agency, the State agency shall secure comments on the proposed project from the appropriate major unit(s) of local general purpose government.

(g) Each project application to be considered for approval must be submitted for comment to the area or local office on aging (if any) having jurisdiction over the geographic area from which the proposal is submitted.

(h) Each project application to be considered for approval must contain an assurance by the applicant that, if the project is funded, the recipient of the grant or contract will cooperate in joint planning with existing and any future area or local agencies responsible for comprehensive planning in aging, and with providers of service to the aging in order to provide additional needed services to nutrition project participants.

§ 909.25 Strengthening of existing programs.

In implementing this program in project areas selected by the State agency, the State agency should, to the maximum extent feasible, strengthen existing successful nutrition service programs. However, such projects must fully comply with all standards prescribed in this part and in guidelines issued by the Administration on Aging of the Social and Rehabilitation Service and the State agency. With respect to the demonstration nutrition projects funded under title IV of the Act, such projects shall have until June 30, 1973, to conform to any standards, in addition to those prescribed in the Act, in order to receive continued funding under this part.

§ 909.26 Opportunity for hearing.

The State plan shall provide that the State agency will provide that any nutrition project applicant, whose application for approval is denied, will be afforded an opportunity for a hearing before the State agency.

§ 909.27 Public information.

(a) The State plan must provide for a continuing program of public information specifically designed to assure that information about the nutrition program, its objectives and its results, is effectively and appropriately promulgated throughout the State in a manner designed to reach potential applicant agencies for nutrition projects, particularly potential applicants representing those target groups and areas identified pursuant to §§ 909.22 and 909.23.

(b) The State plan shall provide that the State agency will pursue a policy of freedom of information and that the annual State operating plan, approved project applications, all periodic reports made by the State agency to the Secretary in accord with § 909.29, and all Federal and State policies governing the administration of the nutrition program in the State will be reasonably available at the offices of the State agency for review upon request by interested persons.

§ 909.28 State administration costs.

The State plan shall provide that not more than 10 percent of the allotment made available to each State for any fiscal year under title VII shall be available to provide for the proper and efficient administration of the State plan at the least possible administrative cost. Any such use of funds must be justified on an annual basis. Only with the prior approval of the Secretary may a larger amount be used for State plan administration.

§ 909.29 Reports.

The State plan shall provide that the State agency will make such reports to the Secretary in such form and containing such information as may reasonably be necessary to enable him to perform his functions under the Act, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

§ 909.30 Fiscal control and accounting.

The State plan shall provide that the State agency will develop accounting systems and procedures as are adequate to control and support all fiscal activities under title VII, in accordance with guidelines issued by the Administration on Aging of the Social and Rehabilitation Service. The State agency and all recipients of nutrition project awards shall maintain such accounts and documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to be against the allotments to the States.

§ 909.31 Methods of administration.

The State plan shall provide that the State agency will provide for such methods of administration as are necessary for the proper and efficient operation of the plan.

§ 909.32 Standards of personnel administration.

(a) The State plan shall provide that methods of personnel administration will be established and maintained in the State agency administering the State plan in conformity with the standards for a Merit System of Personnel Administration, Part 70 of this title and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Under this requirement, laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State plan. Citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in Part 70 of this title or to modifying or superseding standards issued by the Commission must be submitted with the State plan. Copies of

the materials cited must be furnished on request.

(b) The State plan shall provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure equal employment opportunity. This plan shall be made available for review upon request.

(c) The Secretary shall exercise no authority with respect to the selection, tenure of office or compensation of any individual employed in accordance with such methods.

Subpart E—Standards for Nutrition Projects

§ 909.33 Project objectives.

The State plan shall provide that each recipient of a grant or contract will establish measurable program objectives for its nutrition and supporting social service activities and will monitor on a regular basis its progress against such objectives.

§ 909.34 Evaluation.

The State plan shall provide that recipients of grants or contracts will cooperate and assist in efforts to evaluate the effectiveness, feasibility, and cost of the nutrition projects.

§ 909.35 Staffing of projects.

The State plan shall provide that:

(a) Each recipient of a grant or contract will provide for adequate numbers of qualified staff, supplemented as necessary by qualified consultants, to assure satisfactory conduct of the following functions:

(1) Project leadership;

(2) Program planning;

(3) Provision of nutrition or dietetic services;

(4) Outreach, transportation, information and referral, health and welfare counseling, nutrition education, shopping assistance and recreation incidental to the project, to the extent that such services are provided in accordance with § 909.42;

(5) Volunteer activities; and

(6) Financial management and data collection and analysis.

The project director must be a qualified individual working full-time on the nutrition project. Preference must be given to persons aged 60 or over in the hiring for all staff positions. Project staff at all levels must be, to the extent feasible, representative of the minority individuals participating in the project.

(b) Each recipient of a grant or contract will encourage the voluntary participation of other groups in the conduct of the project, such as college and high school students.

§ 909.36 Training of personnel.

The State plan shall provide that each recipient of a grant or contract under this part provide for such training as may be necessary to enable personnel providing services under the project to administer projects in accordance with the purposes of this Act. All such training must be in conformance with training standards prescribed in the Administration on Aging of the Social and Rehabilitation Service, and include attendance at training specifically provided for by the Administration on Aging of the Social and Rehabilitation Service with regard to this program.

§ 909.37 Project councils.

The State plan shall provide that:

(a) Each project shall have a project council. It shall be the responsibility of the council to advise the recipient of a grant or contract on all matters relating to the delivery of nutrition services within the project and to approve all policy decisions related to:

(1) The determination of general menus to meet the cultural and other dietary preferences of participants;

(2) The establishment of suggested fee guidelines;

(3) The days and hours of operation of the project; and

(4) The decorating and furnishing of the meal site.

(b) More than one-half of the membership of this council shall be actual consumers of the nutrition services of the project. Consumer members shall be representative of congregate meal sites and be elected by participants in such sites. Other members of the council shall include persons competent in the field of service in which the nutrition program is being provided and persons who are knowledgeable with regard to the needs of elderly persons.

(c) The State agency shall develop formal procedures regarding the tenure of members, responsibilities and operations of the project council prescribed in this section, in keeping with guidelines established by the Administration on Aging of the Social and Rehabilitation Service.

§ 909.38 Selection of congregate meal sites.

(a) The State plan shall provide that within project areas selected to receive awards, congregate meal sites will be located in areas having major concentrations of older persons whose income falls below the current Department of Commerce, Bureau of the Census poverty threshold. In rural areas, congregate meal sites will be located so as to serve the largest proportion feasible of older persons whose income falls below the current Department of Commerce, Bureau of the Census poverty threshold.

(b) Such congregate meal sites shall be located as close as possible, preferably within walking distance, to these older persons. Such sites may include schools, churches, senior centers and other appropriate facilities.

(c) The congregate meal sites selected must assure an atmosphere appropriate for pleasant dining, and a setting conducive to expanding the project and for providing necessary and related social services to recipients of nutrition services.

§ 909.39 Identification of persons to be served.

The State plan shall provide that each project shall undertake those activities necessary to identify:

(a) The total numbers of target group eligible individuals in the project area;

(b) The general locations of concentrations of such individuals; and

(c) The nutrition and related supporting social service needs of such individuals.

§ 909.40 Nutrition requirements.

The State plan shall provide that:

(a) Each project will provide meals in a congregate setting.

(b) Each congregate meal site established by the project must provide at least one hot meal per day, 5 or more days a week, and any additional hot or cold meals which the project may elect to provide. Sites operated in sparsely populated rural areas may serve meals less than 5 days a week when the need for an exception is documented by the State agency and if, at sites throughout the project area, the project provides hot meals at least 5 days a week. A hot meal for purposes of this program is one in which the principal food item of the meal is hot at the time of serving.

(c) Each meal served must contain at least one-third of the current daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science-National Research Council.

(d) Special menus, where feasible and appropriate, shall be provided at each congregate meal site for meeting the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of participants.

§ 909.41 Home delivered meals.

The State plan shall provide that recipients of grants or contracts will provide home delivered meals where necessary and feasible to meet the needs of target group eligible individuals who are homebound. Home delivered meals must meet standards set forth in § 909.40.

§ 909.42 Supporting social services.

The State plan shall provide that:

(a) Each recipient of a grant or contract must provide for the provision of comprehensive and ongoing outreach activities from each congregate meal site to assure that the maximum number of the hard-to-reach target group eligible individuals participate in the nutrition project. The following supporting social services must also be provided to the extent that such services are needed and are not already available and accessible to the individuals participating in the nutrition project:

(1) Transportation of individuals and personal escort services to and from the congregate meal sites;

(2) Information and referral services;

(3) Health and welfare counseling services;

(4) Nutrition education;

(5) Shopping assistance; and

(6) Recreation activities incidental to the project.

(b) Not more than 20 per centum of a State's allotment for a given fiscal year, excluding that necessary for administering the State plan, shall be used for the provision of the supporting social services prescribed in this section.

(c) All such supporting social services shall be in keeping with program standards and guidelines issued by the Administration on Aging of the Social and Rehabilitation Service.

§ 909.43 Use of existing resources.

In order to assure the development and provision of needed social services, including those set forth in § 909.42, and to maximize access to all services in the community which are needed by individuals participating in the project, the State plan shall provide that each project will undertake those activities necessary to assure maximum utilization of all other public and private resources and services in the conduct of this program. Such activities shall include joint planning, the sharing of information, and the negotiation of agreements for joint funding and operation of programs for the elderly with agencies such as health, mental health, public assistance, medicaid, social services, rehabilitation, education, economic opportunity, and food and agricultural agencies.

§ 909.44 Charges to recipients for costs of meals.

The State plan shall provide that:

(a) Recipients of grants or contracts under this part will provide opportunity for the participants in nutrition projects to pay all or part of the cost of the meals served under this program.

(b) Recipients of grants or contracts will establish schedules of suggested fees, which could include a suggested flat fee, for contributions by participants toward the cost of the meal. Such schedules must take into consideration the income ranges of eligible individuals. However, each individual participant shall determine for himself what he is able to contribute toward the cost of a meal. Each participant shall be informed of his responsibility to decide for himself what he should pay, including the right to obtain meals free of charge if the participant decides he is unable to pay for such meals. No individual shall be denied participation in the nutrition program because of the inability to pay all or part of the cost of the meals served.

(c) Suggested contribution schedules shall in no case be used as means tests to determine the eligibility of individuals to participate in the nutrition project.

(d) Methods of receiving contributions from individuals shall be handled in such a manner so as not to differentiate among individuals' contributions publicly.

(e) If the food stamp program is operating in the project area, recipients of grants or contracts under this part which deliver meals to the homes of individuals shall take such actions as are necessary to be authorized by the United States Department of Agriculture to accept food coupons issued under the food stamp program in exchange for meals delivered to the homes of persons eligible to utilize their allotment of food coupons for the purchase of such meals.

§ 909.45 Food coupons and donated foods.

The State plan shall provide that recipients of grants or contracts under this part will, to the maximum extent feasible, inform participants of the benefits available under the food stamp or food distribution programs operated by the U.S. Department of Agriculture to improve home food consumption, and in cooperation with the appropriate agencies of the State and local governments undertake activities to facilitate participation of eligible households in such programs.

§ 909.46 Confidentiality.

The State plan shall provide that each recipient of a grant or contract assure that no personal information obtained from an individual in conjunction with the project shall be disclosed in a form in which it is identified with him, without written consent of the individual concerned.

§ 909.47 Local public information.

The State plan shall provide that each recipient of a grant or contract conduct ongoing public information activities designed specifically to inform target group eligible individuals in the project area of the services of the project.

§ 909.48 Project record keeping and reports.

The State plan shall provide that each recipient of a grant or contract will keep such records and make such reports in such form and containing such information as may be required in guidelines issued by the Administration on Aging of the Social and Rehabilitation Service.

§ 909.49 State and local standards.

The State plan shall provide that recipients of grants or contracts will operate fully in conformance with all applicable State and local standards, including fire, health, safety and sanitation standards, prescribed in law or regulations.

§ 909.50 Purchase of goods and services.

(a) None of the provisions of this part shall be construed to prevent a recipient of a grant or contract from entering into an agreement, subject to the approval of the State agency in accordance with guidelines issued by the Administration on Aging of the Social and Rehabilitation Service, with profitmaking organizations to carry out activities under a project.

(b) The State plan shall provide that recipients of project grants or contracts must assure that costs for goods and services do not exceed the amounts reasonable and necessary to assure quality and that the sources from which goods or services are purchased meet applicable State and local laws and standards, and all provisions of this part.

(c) The State plan shall provide that recipients of grants or contracts obliged by State or local law to employ competitive bidding or other procedures for purchases shall employ such procedures in purchases for the project. Other recipients of grants or contracts shall employ purchase procedures prescribed for projects by the State agency.

Subpart F—Allotment of Funds

§ 909.51 Allotment formula.

The funds appropriated pursuant to section 708 of the Act for any fiscal year shall be allotted among the States in the following manner:

(a) From the sums appropriated for any fiscal year under section 708 of the Act, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that:

(1) No State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged 60 or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

§ 909.52 Reallotment.

The amount of any State's allotment under § 909.51 of any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under § 909.51 for that year, but with such proportionate amount for any other State being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged 60 or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under § 909.51 for that year.

§ 909.53 Failure to qualify.

If the Secretary finds that any State has failed to qualify under the State plan requirements of section 705 of the Act,

the Secretary shall withhold the allotment of funds to such State referred to in § 909.51.

§ 909.54 Disbursement of withheld allotment.

The Secretary, after giving the State reasonable opportunity to qualify, shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency or political subdivision of such State submitting an approved plan in accordance with the provisions of this part, including the requirement that any such payment or payments shall be matched in the proportion specified in § 909.58 for such State, by funds or in kind resources from non-Federal sources.

§ 909.55 Payments.

Payments under title VII of the Act may be made (after necessary adjustment on account of previously made overpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

§ 909.56 Obligation of allotment.

Allotments of funds made available under title VII which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

§ 909.57 Audit.

(a) The State plan shall provide that all fiscal transactions by the State agency and any other agency (if any) administering part of the plan and recipients of grants or contracts under title VII of the Act are subject to audit by or on behalf of the Department to determine whether expenditures have been made in accordance with the Act and this part.

(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to a grant or contract received under this part.

Subpart G—Program Costs

§ 909.58 Cost sharing.

The State plan shall provide that the Federal funds made available under title VII of the Act for any fiscal year will be expended to pay not in excess of 90 percent of the administration and operations costs of the nutrition program throughout the State. The total Federal allotment must be matched during each fiscal year by a total of 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources. Amounts expended by the State for State plan administration must be matched by State resources.

§ 909.59 Maintenance of effort.

Reasonable assurance shall be provided by all recipients of grants or contracts that there will be expended for the nutrition project for the year for which such payments are made, from non-Federal resources, not less than the amount expended for nutrition programs for the elderly from such funds for the fiscal year prior to the funding of the project under title VII of the Act.

§ 909.60 Allowable costs.

Allowable costs for Federal financial participation under title VII of the Act must be both reasonable and necessary for the conduct of nutrition projects within the State. The types of expenditures of grant funds which are recognized and the conditions under which such expenditures are recognized are set forth in Office of Management and Budget cost policies, and in manuals and other issuances of the Administration on Aging of the Social and Rehabilitation Service.

Subpart H—Availability of Surplus Commodities

§ 909.61 Department of Agriculture food assistance.

The State plan shall provide that recipients of grants or contracts under this part shall, to the extent practical and feasible, utilize foods designated as being in abundant supply by the U.S. Department of Agriculture. It shall also provide that such recipients shall apply to the appropriate agency of the State government for participation in the program of food donations operated by the U.S. Department of Agriculture under the provisions of 7 CFR Part 250.

§ 909.62 State agency purchase of commodities.

The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. Reports from State agencies concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon may be requested by the Commissioner on Aging in such form and detail as he may prescribe.

Subpart I—Treatment of Income

§ 909.63 Relationship to other laws.

Benefits received under this program shall not be treated as income or benefits for the purpose of any other program or provision of State or Federal law.

Effective date: These regulations shall be effective on the date of publication in the FEDERAL REGISTER (8–19–72).

Dated: July 20, 1972.

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

Approved: August 11, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72–13062 Filed 8–18–72; 8:45 am]