federal register

TUESDAY, AUGUST 22, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 163

Pages 16851–16898

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.

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

Contents

(*Continued on next page*)

List of CFR Parts Affected

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

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

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11679

Creating an Emergency Board To Investigate a Dispute Between the Long Island Rail Road Company and Certain of Its Employees

WHEREAS, a dispute exists between the Long Island Rail Road Company and certain of its employees represented by Participating Labor Organizations designated in list attached hereto and made a part hereof; and

WHEREAS, this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS, this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Long Island Rail Road Company, or by its employees, in the conditions out of which the dispute arose.

THE WHITE HOUSE,
August 19, 1972.

PARTICIPATING LABOR ORGANIZATIONS

Brotherhood Railway Carmen
International Brotherhood of Teamsters, Local 808
American Railway Supervisors Association, Lodge 851
International Brotherhood of Electrical Workers
International Brotherhood of Boilermakers and Blacksmiths
International Brotherhood of Firemen and Oilers
Brotherhood of Railway, Airline and Steamship Clerks
TC Division of Brotherhood of Railway, Airline and Steamship Clerks
American Railway Supervisors Association, Lodge 851–A
International Association of Machinists
Sheet Metal Workers International Association
American Railway Supervisors Association, Lodge 857

[FR Doc. 72-14292 Filed 8-21-72; 8:45 am]

Rules and Regulations

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

[Special Reg. 1]

PART 300—PRICE STABILIZATION

Price Reductions and Refunds; Effect on Profit Margin Limitation

The purpose of this special regulation is to state the terms and conditions under which the Price Commission's profit margin limitations will not apply to a firm that returns to base price levels and remits revenues derived from charging a price or prices in excess of base prices.

Under §§ 300.12, 300.13(a)(2), and 300.14(a) of the regulations of the Price Commission, manufacturers, retailers, wholesalers, and certain service organizations may charge a price in excess of the base price, in accordance with applicable rules, only to the extent that such a price increase does not result in an increase in profit margin over the firm's base period profit margin. If a firm does not raise any price above the base price pursuant to these sections, there is no limitation on profit margin.

The Commission has been asked to determine the status of a firm which (1) has increased a price or prices above base price levels but completely rescinds the price increases and makes refunds or further reduces prices to the extent of those increases before the end of its fiscal year, and (2) exceeds its base period profit margin for the full fiscal year. Is such a firm in the same position as a firm which did not increase any price and is therefore not subject to the profit margin limitation, or, once having increased any price and experienced a profit margin excess is such a firm in violation of the applicable profit margin regulation despite its having taken the action in (1) above?

The Price Commission interprets §§ 300.12, 300.13(a)(2), and 300.14(a) of its regulations to mean that price increases will not "result in," have the "effect of," or otherwise contribute to a profit margin excess if, before the end of the fiscal year in which the price increases are charged, the firm completes the following two actions:

(1) Rescinds all price increases above base price levels; and

(2) Remits to customers the revenues derived in that fiscal year from charging prices in excess of base prices.

The remission of revenues must be made in the following manner:

(1) If the ultimate consumers who purchased the goods and services at above-base prices are reasonably identifiable, refunds must first be made to them.

(2) To the extent that these ultimate consumers are not reasonably identifiable, revenues must be remitted in the form of future sales at below base prices of the same goods and services previously sold at above-base prices.

This interpretation extends to a firm which increases prices above base and completes action under this regulation within the same fiscal year. It also extends to a firm which raises a price or prices above base price levels in a previous fiscal year (without exceeding its base period profit margin for that fiscal year) and which continues to charge the increased price or prices in an ensuing fiscal year. To avoid the profit margin limitation in the ensuing fiscal year, the firm must return prices to the base price levels and remit revenues derived in that ensuing fiscal year from the price increases which were previously put into effect.

In any event, any firm which completes the steps listed above becomes subject to the profit margin limitation once again if it subsequently charges a price in excess of the base price.

In order to make the foregoing policy clear to all interested persons, the Commission has adopted the following special regulation prescribing the procedures that must be followed by each firm intending to make price reductions and refunds in accordance with that policy. In addition, to facilitate the understanding of this regulation, the Commission has included in the appendix some hypothetical examples of situations covered by this regulation.

Since this regulation sets forth a policy and prescribes a procedure for the restoration of certain firms to the position of those firms which have not raised prices above base prices, it may be issued without further compliance with the public notice and procedure requirements and may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

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

In consideration of the foregoing, the following special regulation of the Price Commission is hereby adopted to become effective on August 22, 1972.

Issued in Washington, D.C. on August 18, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

1. *General rule.* Any firm subject to § 300.12, § 300.13(a)(2), or § 300.14(a) of Part 300 of the regulations of the Price Commission is not subject to the profit margin limitation contained therein if, before the end of the fiscal year in which it raised a price above the base price or charged a price above the base price, the firm (a) rescinds all price increases above base price levels and (b) in conformity with paragraphs 2, 3, and 4 hereof, remits to customers in the form of refunds, or future sales at below-base prices of the same goods and services previously sold at above-base price levels, or both, an amount equal to or greater than the revenues derived in that fiscal year from charging a price or prices in excess of base prices.

2. *Prenotification and reporting firms.* (a) A prenotification or reporting firm may take action to reduce prices to base price levels at any time.

(b) Before remitting revenues derived from above-base charges, each firm shall submit, for the prior approval of the Price Commission, a letter of intent to remit revenues under this regulation. If the firm receives no written response to its letter of intent within 20 days after the date it was sent to the Price Commission, the firm may assume approval and proceed to remit revenues in accordance with paragraph 4 of this regulation.

(c) To be eligible for Price Commission approval under this special regulation, a letter of intent must be received at such a time before the end of the firm's fiscal year as will allow Price Commission review thereof in accordance with paragraph 2(b) and as will allow the firm to fully execute the plan for remission of revenues before the end of that fiscal year. In any event, a letter of intent must be received at least 30 days before the end of that fiscal year.

(d) Each letter of intent to remit revenues shall include a revenue remission plan presenting the following information:

(1) The amount of revenue the firm has received as a result of having increased the price of property or services, or both, above base price levels, indicated by product, product line, service, or service line;

(2) The above-base selling price, the base price, and the proposed below-base selling price of each product, product line, service, or service line;

(3) The sales figures and other information which demonstrates that the proposed below-base prices will result in remission of revenues derived from above-base charges;

(4) The period of time during which the remission of revenues will take place;

(5) The anticipated effect of the firm's price reductions on competition and the manner in which the firm's revenue remission plan will minimize disruption of competitive pricing patterns; and

(6) The amount of revenues which can be refunded to customers.

3. *Price category III firms.* A price category III firm (as defined in § 101.11 of Chapter I of this title) that intends to make price reductions and refunds under this regulation shall, before remitting revenues derived from above-base charges, record its intent in a notarized statement. That statement shall be retained by the firm and presented to the Commission or its representative upon request. Action by a price category III firm to reduce prices to base price levels may be undertaken at any time.

4. *Remission of revenues.* (a) Remission of revenues derived from above-base charges shall be made first in the form of refunds to individual customers who purchased goods and services at prices in excess of base prices, to the extent that those customers are reasonably identifiable. For the purpose of making refunds under this section, "customer" means, so far as possible, the ultimate consumer. To the extent that customers are not reasonably identifiable, remission of the balance of revenues derived from above-base charges shall be made to customers of the same class as those charged the increased prices through the reduction of the price of those items which were raised above base prices to below base-price levels, so that the difference between the revenues realized at the reduced prices and the revenues which would have been realized if the sales had been made at base price levels is equal to or greater than the revenues (net of any refunds) derived from above-base charges.

(b) Each firm that remits revenues shall make such arrangements with its immediate customers, purchasers, dealers, employees, or agents as are necessary to obtain and maintain records of the names and addresses of ultimate consumers who are reasonably identifiable in accordance with normal business practices and to assure that refunds are in fact made to such ultimate consumers.

5. *Reporting requirements.* No firm is considered by the Commission to be restored to the position of a firm which has not raised any prices above base prices until it has carried out its revenue remission plan and complied with all of the applicable requirements in paragraphs 1, 2, 3, and 4 of this regulation. Upon meeting these requirements, a prenotification or reporting firm may submit the certification of no price increase to the Commission which, under the instructions for the preparation of Form PC–51, appearing in Appendix II of Part 300 of the regulations of the Price Commission, certain firms who have not increased any selling price may file instead of the Form PC–51. However, the first certificate of no price increase submitted after remission of revenues pursuant to this regulation shall be accompanied by a report which includes:

(a) A statement signed by that firm's cief executive officer (or other authorized officer) certifying that all selling prices of those items which were previously raised above base price levels have been reduced to base price levels; and

(b) The following information, set forth in detail, showing that all other curative actions have been completed:

(1) The dollar amount of the revenues which the firm received as a result of having charged a price for goods and services above base price levels during the current fiscal year;

(2) The names and addresses of all customers, if any, to whom the firm has made refunds pursuant to this regulation, together with the amounts refunded in each case and the date of each refund;

(3) The nature, type, and extent of price reductions below base-price levels which the firm did, in fact, institute pursuant to this regulation including the dollar amount of the revenues realized from sales at below base prices compared with the dollar amount of the revenues which would have been received if those sales had been made at base price levels.

6. *Effect of price reductions.* This regulation does not relieve any firm of its obligations under the Clayton Act, the Federal Trade Commission Act, or any law with a similar purpose; nor does it permit or obligate any firm to do any act or engage in any practice which would violate any of those laws.

APPENDIX

Example 1. Firm A, a price category I firm, which operates on a calendar-year basis, raised a few prices in January when management of the firm was not entirely familiar with the profit margin limitations. While the firm is in no danger of a profit margin violation this year, the firm nevertheless wishes to avoid a possible profit margin violation in the future and to relieve itself of the necessity of submitting the Form PC–51 every quarter. Consequently, before December 31, 1972, Firm A returns all prices to base price levels and either makes refunds or reduces the prices on the same items to below-base levels to the extent necessary to remit all revenues derived from price increases above base price levels as provided in this Special Regulation No. 1. Firm A is no longer subject to the profit margin regulation and will remain free therefrom until it again raises a price above the base price.

Example 2. Firm B, which also raised prices above base price levels during the first quarter of its current fiscal year, finds it is exceeding its base period profit margin on the basis of its first quarter's performance and believes it will be unable to demonstrate to the Commission that it will not exceed its base period profit margin for its full fiscal year. Firm B elects to return immediately to base price levels and to remit all revenue derived from the price increases mentioned above.

When the Price Commission receives Firm B's Form PC–51 for its first quarter, it issues a Notice of Probable Violation. Firm B responds by demonstrating that it has already initiated a voluntary plan to return to base prices and to remit all price increase revenues. The Commission agrees in this case not to issue a remedial order or to pursue other remedies if the plan is completed within the same fiscal year and is otherwise in accordance with Special Regulation No. 1. Firm B executes its plan and does not increase a price above base price during the remainder of its current fiscal year.

At the end of its full fiscal year, Firm B finds it has exceeded its base period profit margin as anticipated. Under the facts presented here, Firm B is in the same position as a firm which never increased a price above base price levels and Firm B has not, therefore, violated the profit margin regulation.

Example 3. Firm C was issued a remedial order by the Price Commission because Firm C raised prices above base price level and exceeded its base period profit margin for the first quarter of its fiscal year. The order, among other things, directed Firm C to (1) reduce all prices to base price levels and (2) at the firm's option, to either (a) remit revenues derived from charging prices in excess of base prices or (b) further reduce prices by an amount sufficient to assure that by the end of the firm's third quarter the firm's profit margin will not exceed its base period profit margin.

Firm C wishes to conform to the requirements of Special Regulation No. 1. It therefore reduces all prices to base price levels and selects option 2(a) in the order. In carrying out option 2(a) it follows all applicable requirements of Special Regulation No. 1, including the submission of a letter of intent (paragraph 2) and the making of refunds to identifiable customers (paragraph 4). The decision of Firm C to meet the requirements of Special Regulation No. 1 does not, however, relieve it of any of the requirements placed upon it by the remedial order; and if Firm C requires additional time to fully meet the requirements of Special Regulation No. 1, it may be necessary to seek modification of time limitations specified in the order.

Example 4. Firm D raised the price of its one product above the base price during its 1972 fiscal year but did not exceed its base period profit margin for fiscal year 1972. During the second month of its 1973 fiscal year, Firm D's profit margin appears to be rising substantially due in large measure to greatly increased demand for its product and related decreases in cost per unit. Firm D continues to charge the same increased price for its product in fiscal year 1973 as it did last year.

Anticipating a profit margin excess for fiscal year 1973, Firm D elects to return to the base price and to remit all revenues derived in fiscal year 1973 from the price increase which was instituted in 1972. Having no identifiable customers, the firm determines that it would have to reduce the price of its product to a level below the base price for a period of 5 months in order to remit revenues (in the form of reduced prices) equal to or greater than the revenues derived in fiscal year 1973 from the price charged in excess of the base price. With a price per unit at $2 above base price and 20,000 units sold to date in fiscal year 1973, Firm D determines that a total price decrease of $2.50 (50 cents below base price) with projected sales of at least 80,000 units over the next 5 months will result in remission of the $40,000 in revenues derived in fiscal year 1973 from the price charged in excess of the base price.

After 5 months of sales as anticipated at the below-base price, Firm D finds that it has met the requirements of Special Regulation No. 1 with respect to remission of revenues and thereupon increases the price of the product to the base price level. There are no price increases above base price during the 1973 fiscal year, and Firm D exceeds its base period profit margin for fiscal year 1973. Under the facts presented, there is no profit margin violation.

Example 5. Firm D, under the same facts as example 4 except that some customers are identifiable, works through its dealers (independent contractors) to identify and

to refund directly to consumers who purchased its product in fiscal year 1973 a total of $20,000. This leaves a balance of $20,000 which must be remitted in the form of sales at prices below the base price. Firm D lowers its price to 25 cents below base price and sells 80,000 units at that price over a 5-month period. This results in a remission of an additional $20,000, and Firm D has met the requirements of Special Regulation No. 1 with respect to remission of revenues.

[FR Doc.72-14221 Filed 8-21-72;8:50 am]

PART 300—PRICE STABILIZATION

Review of Insurance Rates Pursuant To Show Cause Orders

The purpose of this amendment is to add a new paragraph (n) to § 300.20 of the Price Commission's regulations.

Section 300.20 was designed to be self-contained; that is, all provisions relating to insurers were intended to be covered therein, and no requirements were imposed in any case in which no rate increases are made by an insurer. Additionally, the general profit margin test, the requirements relating to productivity, and various other requirements placed on other industries were not made applicable to insurers.

As a result of these conditions, the regulations provide no specific procedure for the investigation and review of an insurer whose financial results (operating or underwriting) indicate that its level of rates may be excessive. This could present a particular problem in any case in which a rate increase is placed in effect and subsequent evidence indicates that the increase may be excessive.

For this reason, the addition of provisions to allow proceedings of a "show cause" nature is considered to be necessary, for all cases and all categories, including prenotifiers and price category II and III firms.

Under the new provision, the Price Commission could upon its own motion, require any insurer or rating bureau to present evidence to show cause why a particular rate, no matter how placed in effect, should not be reduced, and upon a determination that the evidence presented did not support the rate, the Commission could issue an appropriate reduction order.

While such a proceeding could be conducted pursuant to § 300.60 of the Commission's regulations, it is believed that specific procedures for this purpose would provide a better means for consideration of the complex kinds of cases that might be considered in this area.

Because the purpose of this amendment is to provide specific procedures for cases that may otherwise be considered under general provisions, and to provide immediate guidance and information as to the program of the Price Commission, it is hereby found that notice and public procedure thereon is unnecessary and impracticable and that good cause exists for making it effective less than 30 days after publication.

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

In consideration of the foregoing, § 300.20 of Title 6 of the Code of Federal Regulations is amended effective August 21, 1972, by adding the following new paragraph at the end thereof:

§ 300.20 Insurers.

* * * * *

(n) *Investigation and review of rates.* The Price Commission may, on its own motion, cause any insurer or rating bureau acting for an insurer to file with the Commission, within a time prescribed by the Commission, evidence to show cause why a particular rate or rates should not be reduced from levels in effect for that insurer or rating bureau acting for an insurer. If the Commission determines, after such investigation and review of that rate as it considers necessary, that the evidence presented does not support that rate level in effect, the insurer or rating bureau acting for an insurer shall reduce the rate by an amount found by the Commission to be appropriate to provide a rate consistent with the economic stabilization program.

Issued in Washington, D.C., on August 17, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-14222 Filed 8-21-72;8:50 am]

Title 7—AGRICULTURE

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 3]

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 authorize the approval of emergency conservation measures to remove debris from the farmstead and farm roadways, as well as all the other farmland in a farm.

Part 701 is amended by revising § 701.76(d)(1) 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.*

(1) Emergency conservation practices, including the removal of debris from the farmstead and farm roadways, may be approved by the Director, Conservation and Land Use Programs Division, ASCS, upon recommendation of State and county development groups, for use only in counties designated by the Secretary as counties in which wind erosion, floods, hurricanes, or other natural disasters have created new conservation problems on farmland which (i) if not treated will impair or endanger the land, (ii) materially affect the productive capacity of the land, (iii) represent damage which is unusual in character and, except for wind erosion, is not of the type which would recur frequently in the same area, and (iv) will be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

* * * * *

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

Effective date. The foregoing amendment is designed to afford immediate 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 (8-22-72).

Signed at Washington, D.C., on August 15, 1972.

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

[FR Doc.72-14162 Filed 8-21-72;8:46 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 60]

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minnesota-North Dakota marketing area.

It is hereby found and determined that for the month of July 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act and are, therefore, suspended:

In paragraphs (a) and (b) of § 1060.16 relating to milk diversions, the provision "for at least 3 days during the month"

where it appears at the end of each such paragraph.

STATEMENT OF CONSIDERATION

The suspension removes for July 1972 the requirement that a producer's milk be received at a pool plant(s) for at least 3 days during the month in order to be eligible for diversion.

The order now provides that during any month of July through February a cooperative association may divert for its account a total quantity of milk not in excess of 50 percent of the milk of member producers whose milk has been received at a pool plant(s) for at least 3 days during the month. Similarly, a handler in his capacity as the operator of a pool plant may divert for his account the milk of producers (other than members of a cooperative association that is a diverting handler during the same month) in a total quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month.

Mid-America Dairymen, Inc., representing a substantial number of producers on the market, has requested this suspension in behalf of certain member producers who failed to make the qualifying deliveries for 3 days in the month of July. While milk of these producers was delivered to pool plants for 2 days during the month, delivery for a third day was prevented by severe storms and flooding that occurred near the end of the month.

The producers are located in central Minnesota counties declared by the President to be a major disaster area in his announcement of August 1, 1972.

The milk of these producers who are regularly associated with the fluid market should be pooled and included in the uniform price computation for the month of July 1972. It is therefore appropriate that relief for the affected producers be granted through this suspension order without the prior issuance of public notice of a proposal to suspend.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it is the only practical means of rendering the specified provisions inoperative for July 1972; and

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

Good cause exists, therefore, for making this order effective with respect to producer milk deliveries during July 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended to be effective with respect to producer milk deliveries during July 1972.

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

Effective date: Upon publication in the FEDERAL REGISTER (8–22–72).

Signed at Washington, D.C., on August 17, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–14189 Filed 8–21–72;8:48 am]

[Milk Order No. 79]

PART 1079—MILK IN THE DES MOINES, IOWA, MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Des Moines, Iowa, marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (37 F.R. 15380) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of September 1972 through February 1973 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1079.44, all of paragraph (c), and in paragraph (d) the provision "located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the post offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa."

STATEMENT OF CONSIDERATION

This action extends through February 1973 the effect of previous suspensions making inoperative the provisions that provide automatic Class I classification of milk transferred or diverted from a pool plant to a nonpool plant located more than 150 miles from the nearest of the six basing points listed above.

In September 1971 the proponent, a cooperative association, began operating a pool supply plant located in Caledonia, Minn., which is more than 150 miles from the nearest basing point. When milk received at the Caledonia plant was not needed at distributing plants it was transferred to a nonpool manufacturing plant, which is also located in Caledonia.

For the months of May through June 1972 the milk supply for the Caledonia supply plant has been delivered directly from farms to a pool distributing plant in Des Moines. However, on days that such milk is not needed at the distributing plant it is diverted to the nonpool manufacturing plant at Caledonia.

This suspension permits classifying milk so disposed of on the basis of its actual use and, therefore, facilitates economical disposition of reserve milk supplies in the vicinity of the Caledonia plant to the nearby manufacturing plant for Class II use.

A proposal by cooperatives to delete provisions providing mileage limitations on transfers of milk for Class II use was considered for 33 orders (including this order) at a hearing held in Atlanta, Ga., on October 18–20, 1971; in Dallas, Tex., on November 9–10, 1971; and in Bloomington, Minn., on November 16–18, 1971. There was no opposition to the proposal.

Proponent requested continued suspension of the mileage limit pending completion of amendment procedure based on the hearing.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to maintain orderly marketing conditions in the marketing area in that the present provision inhibits economic disposal of reserve milk from a distant supply plant for the Des Moines market because of the Class I classification provided on any milk moved to a nonpool plant located more than 150 miles from the nearest basing point.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension. None were filed in opposition.

Therefore, good cause exists for making this order effective during the months of September 1972 through February 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September 1972 through February 1973.

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

Effective date: September 1, 1972.

Signed at Washington, D.C., on August 17, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–14190 Filed 8–21–72;8:48 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Electrical Welding, Cutting, and Brazing; Correction

Pursuant to authority in sections 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970

(29 U.S.C. 655, 657) and Secretary of Labor's Order No. 12–71 (36 F.R. 8754), clerical corrections are hereby made in provisions of 29 CFR Part 1910 that are based upon "national consensus standards" within the meaning of section 3(9) of the Act (29 U.S.C. 552).

1. In § 1910.252 the cross-reference in paragraph (a)(6)(iv)(*a*)(3) is corrected to read as follows:

§ 1910.252 Welding, cutting, and brazing.

(a) *Installation and operation of oxygen-fuel gas systems for welding and cutting.* * * *

(6) *Acetylene generators.* * * *

(iv) *Stationary acetylene generators (automatic and nonautomatic).* (*a*) * * *

(3) Except when generators are prepared in accordance with subdivision (vii)(*e*) of this subparagraph, sources of ignition shall be prohibited in outside generator houses or inside generator rooms.

* * * * *

§ 1910.309 [Amended]

2. In the list in § 1910.309(a), the reference to "140–16 (a), (b), (c), and (d) Location in Premises of Overcurrent Protection" is corrected to read "240–16 (a), (b), (c), and (d) * * * Location in Premises (for Overcurrent Protection Devices)."

(Secs. 6, 8, 84 Stat. 1593, 1598; 29 U.S.C. 655, 657)

Signed at Washington, D.C., this 16th day of August 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-14182 Filed 8-21-72;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Animal and Plant Health Inspection Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Declaration of Curing Ingredients

On February 5, 1972, there was published in the FEDERAL REGISTER (37 F.R. 2779) a notice that the Department was considering a proposal to amend §§ 316.10 and 317.17 of the regulations (9 CFR Parts 316, 317) in accordance with the administrative procedure provisions in 5 U.S.C. 553 and under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

Statement of considerations. The proposal was to clarify the provisions of the regulations with respect to requirements for labeling of cured meat products with a list of ingredients used in curing. The Department has received comments from 306 persons representing consumers, consumer organizations, the affected industries, trade organizations, educational institutions, and State and municipal governments.

The proposal was endorsed by the overwhelming majority of respondents. Labels on the immediate containers of all products fabricated from two or more ingredients are required under sections 1(n) (7), (9), and (12) of the amended Federal Meat Inspection Act and § 317.2 of the regulations thereunder, to list all of the ingredients in the products.

After consideration of all relevant matters, including comments presented to the Department in connection with the proposal, and under the authority of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), Parts 316 and 317 of the Federal meat inspection regulations (9 CFR Parts 316 and 317) are amended as proposed (37 F.R. 2779), as follows:

1. Section 316.10 is amended by adding a new paragraph (d) to read as follows:

§ 316.10 Marking of meat food products with official inspection legend and ingredient statement.

* * * * *

(d) All cured products shall be marked with the list of ingredients in accordance with Part 317 of this subchapter.

2. The table of contents for Part 317 is amended by adding the new § 317.17 and its heading as follows:

Sec.
317.17 Interpretation and statement of labeling policy for cured products.

3. Further, Part 317 of this subchapter is amended by adding a new § 317.17 to read as follows:

§ 317.17 Interpretation and statement of labeling policy for cured products.

With respect to sections 1(n) (7), (9), and (12) of the Act and § 317.2, any substance mixed with another substance to cure a product must be identified in the ingredients statement on the label of such product. For example, curing mixtures composed of such ingredients as water, salt, sugar, sodium phosphate, sodium nitrate, and sodium nitrite or other permitted substances which are added to any product, must be identified on the label of the product by listing each such ingredient in accordance with the provisions of § 317.2.

(34 Stat. 1260, as amended, 21 U.S.C., 601 et seq.; 29 F.R. 16210, as amended; 37 F.R. 6327 and 6505)

The amendments are necessary to clarify the application of the Act and the regulations with respect to cured meat products, and should be made effective as soon as practicable. However, a delay in the effective date of the amendments of the regulations is necessary for the following reasons: the industry has large inventories of labeling, representing a substantial fiscal investment, which does not comply with the requirements set forth above; and printers or manufacturers are unable to immediately supply new or modified labeling for all establishments affected; and, without a transition period, the immediate effects of the amendments could be to reduce the market supply or substantially increase the price of cured products to the consumer, or both.

It does not appear that further public participation in rule making proceedings would make additional information available to the Department. Therefore, in accordance with the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further proceedings are impracticable and unnecessary.

These amendments shall become effective 180 days following the date of publication hereof in the FEDERAL REGISTER.

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

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-14163 Filed 8-21-72;8:46 am]

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Sliced Bacon Package Design

Statement of considerations. On April 21, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 7902) in accordance with the administrative procedure provisions in 5 U.S.C., Sec. 553, that pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C., 601 et seq.), the Department of Agriculture proposes to amend § 317.8(b)(5) of the Federal meat inspection regulations (9 CFR 317.8(b)(5)) to require that packages with transparent openings containing sliced bacon be designed to expose a substantial portion of a representative slice so that the consumer can observe quality features prior to purchasing and opening the package.

Comments were received from 436 persons. The respondents were consumers, representatives of consumer groups, the affected industry, and trade organizations. The overwhelming majority of respondents favored the right of consumers to be permitted to view a representative slice to observe quality features of the product prior to purchase.

After due consideration of all comments received with respect to the nature and purpose of the rule making and all other relevant information in the Department, § 317.8(b)(5) of the Federal meat inspection regulations is amended by designating the present text as subdivision (i) and adding a new subdivision (ii) to read:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * *

(b) * * *

(5) * * *

(ii) Packages for sliced bacon that have a transparent opening shall be designed to expose, for viewing, the cut

surface of a representative slice. Packages for sliced bacon which meet the following specifications will be accepted as meeting the requirements of this subparagraph provided the enclosed bacon is positioned so that the cut surface of the representative slice can be visually examined:

(*a*) For shingle-packed sliced bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice, and this window shall be at least 1½ inches wide. The transparent window shall be located not more than five-eighths inch from the top or bottom edge of a 1-pound or smaller package and not more than three-fourths inch from either the top or bottom edge of a package larger than 1 pound.

(*b*) For stack-packed sliced bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice and be at least 1½ inches wide.

* * * * *

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505)

It is recognized that those affected by the amendment will require time to exhaust existing inventories of packaging, to obtain acceptable replacement packages and to make necessary equipment adjustments. Therefore, the effective date of the amendment is being delayed, and the amendment is being delayed, and the amendment will not become effective for a period of 180 days following the publication of this amendment in the FEDERAL REGISTER.

The wording of the amendment differs in certain respects from that proposed in the notice of rule making. The wording changes were made to clarify the regulation and to permit use of current package designs which comply with requirements established in several States. Packages which comply with the requirements of these States have had good consumer acceptance and achieve the objective of disclosing the cut surface of a representative slice.

It does not appear that further public participation in rule making proceedings on the amendment would make additional information available to the Department.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rule making procedure on the amendment is impracticable and unnecessary.

This amendment shall become effective 180 days following the date of publication of this notice in the FEDERAL REGISTER.

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

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-14164 Filed 8-21-72;8:46 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 72-942]

PART 522—ORGANIZATION OF THE BANKS

Office of Finance

AUGUST 10, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 522 of the regulations for the Federal Home Loan Bank System (12 CFR Part 522) for the purpose of establishing and maintaining an Office of Finance. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Part 522 as follows, effective August 22, 1972:

1. By revising the undesignated center head immediately preceding § 522.80 and §§ 522.80, 522.81, and 522.82 to read as follows:

OFFICE OF FINANCE

§ 522.80 General.

(a) There is hereby established an Office of Finance which shall be located in Washington, D.C., and which shall perform the functions set forth in § 522.81.

(b) The Office of Finance shall be headed by a Director, who shall have responsibility for the performance of the functions of such Office. The Director shall be appointed, and his compensation shall be fixed, by the Presidents of the Banks, subject to the approval of the Board. There may also be one or more Deputy Directors and one or more Assistant Directors, who shall be appointed and whose compensation shall be fixed in the same manner.

(c) Any function of the Office of Finance now or hereafter exercisable by the Director may also be exercised by a Deputy Director or an Assistant Director, in accordance with such limitations, if any, as may be prescribed in writing by the Director.

§ 522.81 Functions of Office of Finance.

(a) The Office of Finance shall: (1) Conduct all negotiations relating to the public or private offering and sale of consolidated Federal Home Loan Bank obligations, as may be authorized by the Board; (2) conduct all negotiations for the purchase and/or sale of any securities on behalf of a Federal Home Loan Bank, as may be requested by such Bank after receiving the approval of the Board in the event such approval is required or as may be requested by the Board; (3) perform such other related duties as may be requested of such Office by a Federal Home Loan Bank or Banks and/or the Board; and (4) perform such functions for the Federal Savings and Loan Insurance Corporation and/or the Federal Home Loan Mortgage Corporation as may be requested of such Office by the Board. In addition to the foregoing, any other function, duty, or authority heretofore vested in or performed by the Fiscal Agent shall be vested in, and may be performed by, the Office of Finance.

(b) The Office of Finance shall maintain in a checking account in a commercial bank approved by the Banks an "imprest fund," in such maximum amount as may be approved by the Banks. Such bank account shall be subject to withdrawal by check or draft signed by either the Director, or by another person or persons designated by him with the approval of the Banks. Each Bank shall from time to time forward to the Office of Finance its check for the amount representing its pro rata share of the expenditures made by such Office during a designated period from the funds received from the Banks, promptly upon receipt of statements from such Office of such amounts. All of the foregoing receipts from the Banks are to be deposited by the Office of Finance in the bank account referred to in this section and are to be disbursed as provided in § 522.82.

§ 522.82 Budget and expenses.

The Bank Presidents shall appoint a budget committee consisting of three Bank Presidents. The Office of Finance shall annually submit to such committee a budget for the following calendar year containing proposed allotments for the expenses of maintaining and operating such Office. After such budget has been approved by at least two members of the committee and by a majority of the Presidents of the Banks, it shall be forwarded to the Board so as to reach it on or before the first day of December. The action of a President concerning such proposed budget shall be reported by him to the next scheduled meeting of the Bank's board of directors. After such budget has been approved by the Board, the Director may make disbursements thereunder from the funds provided for in § 522.81(b). The Director may, without further authority, make a transfer from an excess allotment, in the budget referred to, to an insufficient allotment. However, transfers to allotments for compensation or rent of office quarters, as well as any proposed changes which would increase the total of the approved budget, shall be submitted for approval in the same manner as the original budget was submitted. In addition the Director shall, upon the direction of the Board, make disbursements from the funds provided for in § 522.81 (b), in payment of such other expenses which will not be covered by the approved budget and which are deemed appropriate.

2. By deleting the undesignated center head immediately following § 522.82.

§ 522.83 [Revoked]

3. By revoking § 522.83.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, until the first appointment of a Director of the Office of Finance, the functions of such Director under this resolution or otherwise shall be vested in the person who at present is Fiscal Agent of the Federal Home Loan Banks.

Resolved further that, since the above amendments are deemed to apply to rules of Board organization, notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the Board hereby finds that it is in the public interest that such amendments become effective without delay, publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 533(d) prior to the effective date of such amendments is unnecessary; and the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-14174 Filed 8-21-72;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-25-AD, Amdt. 39-1505]

SUBCHAPTER C—AIRCRAFT

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 35, A35, B35, and C35

AD 69-18-1, Amendment 39-830, published as an adopted rule in the FEDERAL REGISTER on August 30, 1969, is an airworthiness directive applicable to Beech Models 35, A35, B35, and C35 airplanes equipped with Beech P/N 35-924065 fuel unit. AD 69-18-1 required by no later than August 30, 1970, either replacement of Beech P/N 35-924065 fuel unit with Beech P/N 35-924230 fuel unit or the installation of Beech fuel selector valve disengagement warning light, Beech kit No. 35-5030S in these model airplanes. The warning light assembly installed on the instrument panel contains a dimming feature which if utilized on a bright and/or sunny day makes the warning light difficult if not impossible to see. Investigation of a recent aircraft accident attributable to improper fuel management disclosed that the warning light was dimmed to the maximum. Since this dimming feature when utilized by a pilot, interferes with the intended function of the fuel selector valve disengagement warning light and can result in an unsafe condition, both the FAA and the manufacturer conclude that regulatory action is necessary to correct the situation. Accordingly, an AD is being issued, applicable to those Beech model airplanes modified in accordance with Beech kit No. 35-5030S, requiring removal of the dimming feature from the warning light.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the 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 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 35, A35, B35, and C35 airplanes (Serial Nos. D-1 through D-2900) with a P/N 35-924065 fuel unit modified by the installation of Beech kit No. 35-5030S (Serial Nos. 100 through 989) or any equivalent installation using a warning light with a dimming feature.

NOTE: Installation of either Beech kit No. 35-5030S or P/N 35-924230 fuel unit is required by AD 69-18-1.

To prevent dimming of fuel selector valve disengagement warning light, unless already accomplished, accomplish the following:

(A) Effective immediately until paragraph B has been accomplished, adjust the dimming lens on the fuel selector valve disengagement warning light to maximum bright.

(B) Within the next 25 hours' time in service after the effective date of this AD, either replace MS 25041-2 light indicator assembly with MS 25041-6 light indicator assembly or replace the dimming lens assembly of the MS 25041-2 light assembly with the nondimming lens assembly from an MS 25041-6 light assembly. Any equivalent method of compliance must be submitted to and approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective August 29, 1972.

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

Issued in Kansas City, Mo., on August 14, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-14155 Filed 8-21-72;8:46 am]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 72-GL-17]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

On April 11, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 7166) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter Restricted Area R-6901, Camp McCoy, Wis., by making minor changes to the boundaries, extending the time of designation, designating it as a joint-use restricted area, and including it in the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Objections to the proposed boundary were received. Those objections were resolved by a reduction in the airspace reflected by the boundaries as stated herein.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

1. In § 73.69 (37 F.R. 2378), the Camp McCoy, Wis., Restricted Area R-6901 is amended to read as follows:

R-6901 CAMP MCCOY, WIS.

Boundaries: Beginning at lat. 44°08'40" N., long. 90°44'20" W.; to lat. 44°08'40" N., long., 90°40'22" W.; to lat. 44°09'36" N., long. 90°40'22" W.; to lat. 44°09'36" N., long. 90°-36'50" W.; to lat. 44°00'02" N., long. 90°36'35" W.; to lat. 44°00'02" N., long. 90°35'15" W.; to lat. 43°56'22" N., long. 90°35'20" W.; to lat. 43°56'22" N., long. 90°39'00" W.; to lat. 43°56'38" N., long. 90°41'00" W.; to lat. 43°56'40" N., long. 90°45'05' W.; to lat. 43°-58'30" N., long. 90°44'30" W.; to lat. 43°58'-40" N., long. 90°43'55" W.; to lat. 44°02'45" N., long. 90°44'30" W.; and then to the point of beginning.

Designated altitudes: Surface to 20,000 feet MSL.

Time of designation: Continuous.

Using agency: Commanding Officer, Camp McCoy, Wis.

Controlling agency: Federal Aviation Administration, Chicago ARTC Center.

2. Section 71.151 (37 F.R. 2045) is amended by adding:

R-6901 CAMP MCCOY, WIS.

(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 15, 1972.

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

[FR Doc.72-14156 Filed 8-21-72;8:46 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 12158; Amdt. 95-222]

PART 95—IFR ALTITUDES

Miscellaneous Changes

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

is adequate and free of frequency interference for that route or portion thereof.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective August 17, 1972, as follows:

1. By amending Subpart C as follows:

From, To, and MEA

Section 95.1001 *Direct routes—United States* is amended by adding:

Charleston, S.C., VOR; Richmond, Va., VOR; 19,000. MAA—37,000.
Charleston, S.C., VOR; Norfolk, Va., VOR; 2,400. MAA—39,000.

Section 95.1001 *Direct routes—United States* is amended to delete:

Fort Lauderdale, Fla., VOR; Cypress INT, Fla.; 1,500.
Muscle Shoals, Ala., VOR; Nashville, Tenn., VOR; *3,000. *2,500—MOCA.
Maytown INT, Fla.; Orlando, Fla., VOR; 2,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Ashley, S.C., LOM; Azalea INT, S.C.; *2,500. *2,000—MOCA. MAA—45,000.
Azalea INT, S.C.; Yellowtail INT, S.C.; *2,500. *1,200—MOCA. MAA—45,000.
Yellowtail INT, S.C.; Smelt INT, S.C.; *2,500. *1,200—MOCA. MAA—45,000.
Muscle Shoals, Ala., VOR; Nashville, Tenn., VOR via MSL 024/BNA 205; *3,000. *2,500—MOCA.
Natchez, Miss., VOR via R-290 HEZ/R-180 MLU; Monroe, La., VOR; 3,000.
Maytown INT, Fla.; *Apollo INT, Fla. (Control 1386); **2,500. *4,000—MRA. **1,500—MOCA.
Teague INT, Tex.; Ennis INT, Tex.; *5,000. *2,000—MOCA.

Bahama Routes

7 Lima is amended to read in part:

Halibut INT, Bahama; Rubin, Fla., RBN; *2,000. *1,500—MOCA.

63–V is amended to read in part:

Palm Beach, Fla., VOR; Halibut INT, Bahama; *2,500. *1,500—MOCA.

Panama Routes

Section 95.1001 *Direct routes—United States* V–11 is amended to read in part:

David, R.P., VOR; *INT 097 M rad DAV VOR/DME and 20 NM NM DAV westbound; 3,000. *4,000—MCA INT 097 M rad DAV VOR/DME and 20 NM DAV, eastbound.
INT 097 M rad DAV VOR/DME and 20 NM DAV; Santiago, R.P., VOR; 4,000.
Santiago, R.P., VOR; Bejuco INT, R.P.; 5,000.
Bejuco INT, R.P.; Taboga Island, R.P., VOR; 2,100.
Taboga Island, R.P., VOR; Mandinga INT, R.P.; *5,000. *4,100—MOCA.

V–11A is amended to read in part:

David, R.P., VOR; *INT 078 M rad DAV VOR/DME and 12 NM DAV eastbound; *6,000—MCA INT 078 M rad DAV VOR/DME and 12 NM DAV, eastbound; 2,000.
INT 078 M rad DAV VOR/DME and 12 NM DAV; *INT 078 M rad DAV VOR/DME and 30 NM DAV; *10,500—MCA INT 978 M rad DAV VOR/DME and 30 NM DAV, eastbound; 6,000.

Panama Routes—Continued

INT 078 M rad DAV VOR/DME and 30 NM DAV; INT 259 M rad TBG VORTAC and 30 NM TBG; 10,500.
INT 259 M rad TBG VORTAC and 30 NM TBG; La Mitra INT, R.P.; 6,000.
La Mitra INT, R.P.; Taboga Island, R.P., VOR; 2,100.

V–12 is amended to read in part:

Changuinola INT, R.P.; Bocas Del Toro, R.P. VOR; 1,700.
Bocas Del Toro, R.P. VOR; INT 098 M rad BDT VOR/DME and 30 NM BDT; *1,500. *1,400—MOCA.
INT 098 M rad BDT VOR/DME and 30 NM BDT; Santa Cruz INT, R.P.; *6,000. *3,500—MOCA.
Santa Cruz INT, R.P.; Toboga Islands, R.P. VOR; 2,100.

V–15 is amended to read in part:

David, R.P. VOR; *INT 023 M rad DAV VOR/DME and 10 NM DAV southwest-bound; *5,000—MCA INT 023 M rad DAV VOR/DME and 10 NM DAV, northeast-bound; 2,500.
INT 023 M rad DAV VOR/DME and 10 NM DAV; *INT 023 M rad DAV VOR/DME and 20 NM DAV southwest-bound; *9,000—MCA INT 023 M rad DAV VOR/DME and 20 NM DAV, northeast-bound; 5,000.
INT 023 M rad DAV VOR/DME and 20 NM DAV; INT 171 M rad BDT VOR/DME and 20 NM BDT; *9,000. *8,900—MOCA.
INT 171 M rad BDT VOR/DME and 20 NM BDT; INT 171 M rad BDT VOR/DME and 10 NM BDT; 5,000.
INT 171 M rad BDT VOR/DME and 10 NM BDT; Bocas Del Toro, R.P. VOR; 2,500.

V–16 is amended to read in part:

Panama CTA/FIR Boundary; Bocas Del Toro. R.P. VOR; *3,000. *1,500—MOCA.
Bocas Del Toro, R.P. VOR; INT 092 M rad BDT VOR/DME and 30 NM BDT; *1,500. *1,400—MOCA.
INT 092 M rad BDT VOR/DME and 30 NM BDT; Arenosa INT, R.P.; *7,000. *3,000—MOCA.
Arenosa INT, R.P.; Tocumen, R.P. VOR; *3,000. *2,700—MOCA.
Tocumen, R.P. VOR; *Mulatupo INT, R.P.; **9,500. *9,500—MRA. **5,400—MOCA.
Mulatupo INT, R.P.; La Palma, R.P. VOR; *6,000. *4,000—MOCA.

V–17 is amended to read in part:

David, R.P. VOR; *INT 006 M rad DAV VOR/DME and 10 NM DAV southbound 2,500. *6,000—MCA INT 006 M rad DAV VOR/DME and 10 NM DAV, northbound.
INT 006 M rad DAV VOR/DME and 10 NM DAV; *INT 006 M rad DAV VOR/DME and 20 NM DAV southbound; 6,000. *9,600—INT 006 M rad DAV VOR/DME and 20 NM DAV, northbound.
INT 006 M rad DAV VOR/DME and 20 NM DAV; *INT 186 M rad BDT VOR/DME and 20 NM BDT 9,600. *9,600—MCA INT 186 M rad BDT VOR/DME and 20 NM BDT, southbound.
INT 186 M rad BDT VOR/DME and 20 NM BDT; *INT 186 M rad BDT VOR/DME and 10 NM BDT; northbound; 6,000. *6,000—MCA INT 186 M rad BDT VOR/DME and 10 NM BDT, southbound.
INT 186 M rad BDT VOR/DME and 10 NM BDT; Bocas Del Toro, R.P. VOR; northbound; 2,500.
Bocas Del Toro, R. P. VOR; Maria INT, R. P.; *3,000. *1,300—MOCA.
Maria INT, R. P.; Luz INT, R. P.; *7,000. *1,200—MOCA.

V–19 is amended to read in part:

David, R. P. VOR; Coiba INT, R. P.; *3,000. *2,400—MOCA.
Coiba INT, R. P.; Santiago, R. P. VOR; *3,500. *3,200—MOCA.
Santiago, R. P. VOR; Rio Hato INT, R. P.; *2,500. *2,100—MOCA.
Rio Hato INT, R. P.; Chame INT, R. P.; 3,700.

Panama Routes—Continued

Chame INT, R. P.; Taboga Island, R. P. VOR; 2,100.

V–20 is amended to read in part:

Taboga Island, R. P. VOR; Punta Cocos INT, R. P.; 2,100.
Punta Cocos INT, R. P.; *Jaque INT, R. P.; **10,000. *10,000—MRA. **2,500—MOCA.

V–29 is amended to read in part:

Bocas Del Toro, R. P. VOR; INT 085 M rad BDT VOR/DME and 30 NM BDT; *1,500. *1,400—MOCA.
INT 085 M rad BDT VOR/DME and 30 NM BDT; INT 266 M rad FTD VORTAC and 30 NM FTD; *5,000. *1,200—MOCA.
INT 266M rad FTD VORTAC and 30 NM FTD; France Field, C. Z. VOR; *3,000. *2,000—MOCA.
France Field, C. Z. VOR; Mandinga INT, R. P.; *8,000. *6,000—MOCA.

V–4 is amended to read in part:

Madden INT, C. Z.; France Field, C. Z. VOR; 2,800.

Section 95.5000 *High altitude RNAV routes:*

From/to; total distance; changeover points, distance, from geographic location; track angle; MEA; and MAA

J854R is added to read:

Ventura, Calif., W/P; Avenal, Calif., W/P; 102.6; 51.3, Ventura, 34°52'55" N., 119°30'-32" W.; 318°/138° to COP, 316°/136° to Avenal; 18,000; 45,000.
Avenal, Calif., W/P; Sacramento, Calif., VORTAC; 183.8; 113.8, Avenal, 37°22'53" N., 120°56'16" W.; 318°/138° to COP 318°/138° to Sacramento; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes:*

J992R is added to read:

Refinery, Tex., W/P; Yantis, Tex., W/P; 157.2; 78.6, Refinery, 31°36'04" N., 95°25'42" W.; 348°°168° to COP, 347°/167° to Yantis; 18,000; 45,000.
Yantis, Tex., W/P; Tulsa, Okla., W/P; 197.2; 95, Yantis, 34°29'38" N., 95°39'04" W.; 347°/167° to COP, 346°/166° to Tulsa; 18,000; 45,000.

J940R is amended to read in part:

Turtle Creek, S.D., W/P; Heidy, Minn., W/P; 120.6; 60.3, Turtle Creek, 44°26'35" N., 97°19'33"' W.; 098°/278° to COP; 100°/280° to Heidy; 18,000; 45,000.

J950R is amended to read in part:

Refinery, Tex., W/P; Scurry, Tex., W/P; 140.0; 70, Refinery, 31°22'43" N., 95°49'45" W.; 331°/151° to COP, 331°/151° to Scurry; 18,000; 45,000.

J902R is amended to read in part:

Sacramento, Calif., VORTAC; Avenal, Calif., W/P; 183.8; 70.0, Sacramento, 37°22'53" N., 120°56'16" W.; 138°/318° to COP, 138°/318° to Avenal; 18,000; 45,000.

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

From, To, and MEA

Saranac INT, Mich.; Lansing, Mich., VOR; *2,600. *2,400—MOCA.
Grand Rapids, Mich., VOR via S alter. Lansing, Mich., VOR via S alter. *2,700. *2,400—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended by adding:

Papi INT, Ill.; *Taylor INT, Wis.; **4,500. *7,000—MCA Taylor INT, northbound. **2,000—MOCA.
*Sturgeon INT, Ill., via E alter. Taylor INT, Wis., via E alter. **3,000. *3,000—MRA. **2,000—MOCA.
Taylor INT, Wis.; *Pike INT, Wis.; **7,000. *9,000—MCA Pike INT, northbound. **1,600—MOCA.

From, To, and MEA

Pike INT, Wis.; Belgium INT, Wis.; *9,000. *2,100—MOCA.
Belgium INT, Wis.; Franklin INT, Wis.; *3,700. *2,200—MOCA.
Franklin INT, Wis.; Waffle INT, Wis.; 2,800.
Waffle INT, Wis.; Green Bay, Wis., VOR; 2,400.

Section 95.6007 *VOR Federal airway 7* is amended to delete:

Papi INT, Ill.; *Taylor INT, Wis.; **4,500. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.
*Taylor INT, Wis.; Brewer INT, Wis.; **3,000. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.
Brewer INT, Wis.; Franksville INT, Wis.; 2,500.
Franksville INT, Wis.; Milwaukee, Wis., VOR; *2,700. *2,500—MOCA.
*Sturgeon INT, Ill., via E alter.; Brewer INT, Wis., via E alter.; **3,000. *3,000—MRA. **2,000—MOCA.
Brewer INT, Wis., via E alter.; Franksville INT, Wis., via E alter.; 2,500.
Franksville, INT, Wis., via E alter.; Milwaukee, Wis., VOR via E alter.; *2,700. *2,500—MOCA.
Milwaukee, Wis., VOR; Calvary INT, Wis.; *3,000. *2,600—MOCA.
Calvary INT, Wis.; Chilton INT, Wis.; *2,900. *2,600—MOCA.
Chilton INT, Wis.; Sherwood INT, Wis.; *2,700. *2,300—MOCA.
Sherwood INT, Wis.; Green Bay, Wis., VOR; *2,400. *2,000—MOCA.

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

Centreville, INT, Mich.; Litchfield, Mich., VOR; *3,000. *2,400—MOCA.

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

Neola, Iowa, VOR; *Blencoe INT, Iowa; **3,000. *4,000—MRA. **2,800—MOCA.
Blencoe INT, Iowa; Sioux City, Iowa, VOR; *3,000. *2,800—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended by adding:

Heflin INT, Ala.; Rex, Ga., VOR; *4,000. *3,700—MOCA.
Rex, Ga., VOR; Madison INT, Ga.; *3,000. *2,400—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Flying Cloud, Minn., VOR; River Falls INT, Wis.; *3,300. *2,500—MOCA.
River Falls INT, Wis.; Eau Claire, Wis., VOR; 3,000.
Orleans INT, Mich.; Lansing, Mich., VOR; *2,500. *2,400—MOCA.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

Pullman, Mich., VOR; Leroy INT, Mich.; *3,000. *2,200—MOCA.
Leroy INT, Mich.; Litchfield, Mich., VOR; *3,000. *2,400—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to delete:

East Texas, Pa., VOR; Allentown, Pa., VOR; 3,000.
Allentown, Pa., VOR; Huguenot, N.Y., VOR; 3,500.
Huguenot, N.Y., VOR; Walden INT, N.Y.; 4,000.
Walden INT, N.Y.; Pawling, N.Y., VOR; 4,000.
Pawling, N.Y., VOR; Colebrook INT, N.Y.; *4,000. *3,500—MOCA.
Colebrook INT, N.Y.; Russell INT, Mass.; *3,500. *3,000—MOCA.

From, To, and MEA

Russell INT, Mass.; Barnes, Mass., VOR; *3,500. *2,700—MOCA.
Barnes, Mass., VOR; Gardner, Mass., VOR; *3,300. *3,000—MRA.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Lansing, Mich., VOR; Ashley INT, Mich.; *2,000. *2,400—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

*Hilleman INT, Ark. via N alter.; **Round Pond INT, Ark., via N alter.; ***3,000. *4,000—MRA; **4,000—MRA; ***1,800—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Eau Claire, Wis., VOR; Grantsburg, Wis., VOR; 3,000.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Maumelle INT, Ark.; Little Rock, Ark., VOR; *3,500. *3,200—MOCA.
Bigelow INT, Ark. via N alter. Little Rock, Ark., VOR via N alter. *3,500. *3,200—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Eagle Lake, Tex., VOR via S alter. Sinclair INT, Tex. via S alter. *2,100. *1,400—MOCA.
Sinclair INT, Tex. via S alter. Blue INT, Tex. via S alter. *2,100. *1,500—MOCA.

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

Boyceville INT, Wis.; Eau Claire, Wis., VOR; 3,000.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

Riley INT, Mich.; Lansing, Mich., VOR; *2,900. *2,400—MOCA.

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

Grant INT, Ga.; Atlanta, Ga., VOR; 3,500.
Atlanta, Ga., VOR; Crabapple INT, Ga.; *3,500. *3,000—MOCA.
Crabapple INT, Ga.; Nelson INT, Ga.; 5,600.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Keeler, Mich., VOR; Litchfield, Mich., VOR; *2,800. *2,400—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

*Aredale INT, Iowa; **Shell Rock INT, Iowa; 2,800. *3,500—MRA. **3,500—MRA.

Section 95.6151 *VOR Federal airway 151* is amended to read in part:

Woonsocket INT, R.I.; Kittville INT, Mass.; *2,700. *2,000—MOCA.
Kittville INT, Mass.; Millbury INT, Mass.; *4,500. *2,000—MOCA.
Millbury INT, Mass.; Gardner, Mass., VOR; *4,500. *2,700—MOCA.
Sullivan INT, N.H.; *Bunker INT, N.H.; 4,500. *7,000—MOCA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Lakeland, Fla., VOR; *Campbell INT, Fla.; **1,700. *3,000—MRA. **1,600—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

From, To, and MEA

Omaha, Neb., VOR; *Blencoe INT, Iowa; **3,000. *4,000—MRA. **2,800—MOCA.
Blencoe INT, Iowa; Sioux City, Iowa, VOR; *3,000. *2,800—MOCA.
Blair INT, Neb. via W alter. *Decatur INT, Neb. via W alter. **3,000. *3,500—MRA. **2,500—MOCA.
Decatur INT, Neb. via W alter. Sioux City, Iowa, VOR via W alter. *3,000. *2,500—MOCA.

Section 95.6162 *VOR Federal airway 162* is amended by adding:

Allentown, Pa., VOR; Huguenot, N.Y., VOR; 3,500.
Huguenot, N.Y., VOR; Walden INT, N.Y.; 4,000.
Walden INT, N.Y.; Pawling, N.Y., VOR; 4,000.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Livonia INT, Ind.; Scotland INT, Ind.; *2,700. *2,200—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended by adding:

Duluth, Minn., VOR; Brimson INT, Minn.; 3,000.
Brimson INT, Minn.; Ely, Minn., VOR; *3,600. *2,900—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Redmesa INT, Colo.; Mancos INT, Colo.; 10,800.
*Mancos INT, Colo.; Nucla INT, Colo.; **15,000. *12,000—MCA Mancos INT, northbound. **12,000—MOCA.

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

Northbrook, Ill., VOR; Vienna INT, Wis.; *2,700. *2,200—MOCA.
Vienna INT, Wis.; Milwaukee, Wis., VOR; 2,800.

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

Eagle Lake, Tex., VOR; Sinclair INT, Tex.; *2,100. *1,400—MOCA.
Sinclair INT, Tex.; Blue INT, Tex.; *2,100. *1,500—MOCA.
Tibby, La., VOR; Sally INT, La.; *2,000. *1,500—MOCA.

Section 95.6217 *VOR Federal airway 217* is amended to read in part:

Taylor INT, Wis.; *Pike INT, Wis.; **7,000. *7,000—MCA Pike INT, Southbound. **1,600—MOCA.
Pike INT, Wis.; Milwaukee, Wis., VOR; *2,700. *2,500—MOCA.
Milwaukee, Wis., VOR; Calvary INT, Wis.; *3,000. *2,600—MOCA.
Calvary INT, Wis.; Chilton INT, Wis.; *2,900. *2,600—MOCA.
Chilton INT, Wis.; Sherwood INT, Wis.; *2,700. *2,300—MOCA.
Sherwood INT, Wis.; Green Bay, Wis., VOR; *2,400. *2,000—MOCA.

Section 95.6224 *VOR Federal airway 224* is amended to delete:

Heflin INT, Ga.; Rex, Ga., VOR; *4,000. *3,700—MOCA.
Rex, Ga. VOR; Madison INT, Ga.; *3,000. *2,400—MOCA.

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

Millbury INT, Mass.; Gardner, Mass., VOR; *4,500. *2,700—MOCA.

From, To, and MEA

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

Litchfield, Mich., VOR; Lansing, Mich., VOR; *2,800. *2,400—MOCA.
Lansing, Mich., VOR; Mount Pleasant, Mich., VOR; *2,600. *2,400—MOCA.

Section 95.6357 *VOR Federal airway 357* is added to read:

Baker, Oreg., VOR; Tollgate INT, Wash.; 9,000.
*Tollgate INT, Wash.; Walla Walla, Wash., VOR; northbound; 6,000. Southbound; 9,000. *7,000—MCA Tollgate INT, southbound.

Section 95.6479 *VOR Federal airway 479* is deleted:

Section 95.6481 *VOR Federal airway 481* is added to read:

Johnstone Point, Alaska, VOR; Fidalgo DME Fix, Alaska; *5,000. *4,900—MOCA.
Fidalgo DME Fix, Alaska; Robe DME Fix, Alaska; *8,000. *7,900—MOCA.
Robe DME Fix, Alaska; Gulkana, Alaska, VOR; 1,000.
Gulkana, Alaska, VOR; Donnelly DME Fix, Alaska; *12,000. *11,500—MOCA.
*Donnelly DME Fix, Alaska; Big Delta, Alaska, VOR; 6,000. *10,000—MCA Donnelly DME Fix, southbound.

Section 95.6491 *VOR Federal airway 491* is amended to delete:

Grant INT, Ga.; Atlanta, Ga., VOR; 3,500.
Atlanta, Ga., VOR; Crabapple INT, Ga.; *3,500. *3,000—MOCA.
Crabapple INT, Ga.; Nelson INT, Ga.; 5,600.

Section 95.7167 *Jet route No. 167* is added to read:

From; To; MEA and MAA

Johnstone Point, Alaska, VOR; Gulkana, Alaska, VOR; 18,000; 45,000.
Gulkana, Alaska, VOR; Big Delta, Alaska, VOR; 18,000; 45,000.
Big Delta, Alaska, VOR; Fairbanks, Alaska, VOR; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

V–39 is amended by adding:
Gardner, Mass., VOR; Concord, N.H., VOR; 10; Gardner.
V–106 is added to read:
Barnes, Mass., VOR; Gardner, Mass., VOR; 27; Barnes.
Gardner, Mass., VOR; Manchester, N.H., VOR; 10; Gardner.
V–141 is amended by adding:
Concord, N.H., VOR; Lebanon, N.H., VOR; 10; Concord.
V–151 is added to read:
Providence, R.I., VOR; Gardner, Mass., VOR; 47; Providence.
V–194 is deleted.
V–222 is amended to delete:
Norcross, Ga. VORTAC; Toccoa Ga., VOR TAC; 10; Norcross.
V–311 is deleted.

(Secs. 307 and 110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C. on August 15, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.72-14036 Filed 8-21-72;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

[13th Gen. Rev. of Export Regs., Amdt. 46]

SUBCHAPTER B—EXPORT REGULATIONS

PART 379—TECHNICAL DATA

General License GDTR

Section 379.4 is amended to read as set forth below.

(E.O. 11677, sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: August 16, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

§ 379.4 General license GTDR: Technical data under restriction.

A general license designated GTDR is hereby established authorizing the export of technical data that are not exportable under the provisions of General License GTDA, subject to the provisions restrictions, exclusions, and exceptions set forth below and subject to the writ-written assurance requirement set forth in paragraph (e) of this section.

(a) *Country Groups S and Z restrictions.* No technical data may be exported under this general license to Country Group S or Z.

(b) *Country Groups Q, W, and Y, restrictions.* No technical data may be exported under this general license to Country Group Q, W, or Y, except:

(1) Data in such forms as manuals, instruction sheets, or blueprints, provided they are:

(i) Sent as part of a transaction involving, and directly related to, a commodity licensed for export from the United States, or specifically authorized for reexport, to the same consignee and destination to which the commodity was or will be exported;

(ii) Sent no later than 1 year following the shipment of the commodity to which the technical data are related;

(iii) Of a type delivered with the commodity in accordance with established business practice;

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(v) Not related to the production, manufacture, or construction of the commodity.

(2) Technical data supporting a prospective or actual quotation, bid, or offer to sell, lease, or otherwise supply any commodity, plant, service, or technical data, provided that:

(i) The commodity, plant, service, or technical data, are not (and are not related to) a commodity identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this chapter), or shown on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this chapter);

(ii) The technical data are of a type customarily transmitted with a prospective or actual quotation, bid, or offer (in accordance with established business practice); and

(iii) The export will not disclose the detailed design, production, or manufacture, or the means of reconstruction, of either the quoted item or its product. Similarly, a quotation, bid, or offer for technical data or services must not disclose the detailed technical process involved.

NOTE: Neither this authorization nor its use means that the U.S. Government intends, or is committed, to approve an export license application for any commodity, plant, technical data, or service that may be the subject of the transaction to which such quotation, bid, or offer relates. Exporters are advised to include in any quotations, bids, or offers, and in any contracts entered into pursuant to such quotations, bids, or offers, a provision relieving themselves of liability in the event that an export license (when required) is not approved by the Office of Export Control.

(c) *Technical data restrictions applicable to all destinations.* No technical data [1] (including operating and maintenance instructional material) related to the following may be exported under this general license, and exports of technical data to all destinations, including Canada, require a validated export license:

(1) Commodities to be used for developing or testing nuclear weapons or nuclear explosive devices, as described in § 378.1 of this chapter;

(2) Maritime (civil) nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, including any machine, device, component, or equipment specifically developed or designed for use in such plants or facilities;

(3) Neutron generator tubes designed for operation without external vacuum system, and utilizing electrostatic acceleration to induce a tritium deuterium nuclear reaction, and equipment containing these tubes; and specially designed parts, n.e.c.; and

(4) Porous nickel.

(d) *Restrictions applicable to all destinations except Canada.* No technical data relating to the following commodities, other than technical data described in

[1] The term "early publication country" used in this sentence and in this context only refers to Belgium, Costa Rica, Denmark, Ecuador, Finland, France, Honduras, Iceland, Jamaica, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Portugal, Sweden, Trinidad, Turkey, Republic of South Africa, Uruguay, Venezuela, and West Germany (Federal Republic of Germany).

[1] This restriction does not apply to data included in the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office.

paragraph (b) of this section,[2] may be exported under this General License GTDR, and exports of these technical data to all destinations, except Canada,[3] require a validated export license:

(1) Civil aircraft, civil aircraft equipment, parts, accessories, or components, except: laminated or tempered safety glass for aircraft (Export Control Commodity No. 664(*11*)), Hydraulic motors (Export Control Commodity No. 711 (*21*)), Internal combustion engines (Export Control Commodity No. 711(*21*)), Air-conditioning systems (Export Control Commodity No. 7191(*28*)), Heat exchangers and oil and liquid coolers (Export Control Commodity No. 7191(*28*)), Pumps, air compressors, fans, and blowers (Export Control Commodity No. 7192(*30*)), Fire extinguishing systems (Export Control Commodity No. 7196 (*3*)), Electric motors and motor controls (Export Control Commodity No. 722 (*25*)), Electrical apparatus for making, breaking, or protecting electrical circuits (Export Control Commodity No. 722(*25*)), Ignition harness and cable sets (Export Control Commodity No. 723(*14*)), Electrical starting and ignition equipment (Export Control Commodity No. 7294(*2*)), Meters and instruments (Export Control Commodity No. 7295(*64*)), Alarm, warning, and signaling instruments (Export Control Commodity No. 7299(*39*)), Constant speed propellers, fixed pitch and ground-adjustable propellers for nonmilitary aircraft, and rotor and rotor blades for nonpowered rotorcraft (Export Control Commodity No. 734(*8*)), Landing lights and other lighting fixtures (Export Control Commodity No. 81(*1*)), Apparatus, equipment, and components for oxygen systems (Export Control Commodity No. 8617(*3*)), Mechanical tachometers (Export Control Commodity No. 8618(*2*)), and Other aircraft instruments as described on the Commodity Control List (Export Control Commodity No. 8619 (*11*));

(2) Electrical and electronic instruments (Export Control Commodity Nos. 7295 and 7299), specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment described in Export Control Commodity Nos. 724 and 7295;

(3) Airborne electronic transmitters, receivers, and transceivers (Export Control Commodity No. 724);

(4) Airborne electronic direction finding equipment (Export Control Commodity No. 724);

(5) Airborne electronic navigation and radar equipment (Export Control Commodity Nos. 724 and 7295);

(6) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 735);[1]

(7) Submersible watercraft other than military or naval types;[2] and

(8) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

(e) *Written Assurance Requirements*—(1) *Requirement of written assurance for certain data, services, and materials.* No export of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph may be made under the provisions of this General License GTDR until the exporter has received written assurance from the importer that neither the technical data nor the direct product[3] thereof is intended to be shipped, either directly or indirectly, to Country Group Q, W,[4] Y, or Z, except as provided in subdivision (iv) of this subparagraph. However, with respect to exports of technical data listed in subdivision (v) of this subparagraph, the written assurance shall state that neither the technical data nor the direct product thereof[3] is intended to be shipped, either directly or indirectly, to Country Group W, Y, or Z. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement that restricts disclosure of the technical data to use only in a country other than Country Group Q, W, Y, or Z, and prohibits shipment of the direct product[3] thereof by the licensee to Country Group Q, W, Y, or Z. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition, this general license is not applicable to any export of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported, directly or indirectly, to Country Group Q, W, Y, or Z.

(i) Technical data and services listed in (*a*) of this subdivision for the plants, processes, and equipment listed in (*b*) of this subdivision:

(*a*) Types of technical data and services:

(*1*) Proprietary research and the results therefrom;

(*2*) Processes developed pursuant to research (including technology with regard to component equipment items);

(*3*) Catalyst production, activation, utilization, reactivation, and recovery;

(*4*) Plant and equipment design and layout to implement the processes; and

(*5*) Construction and operation of plant and equipment.

(*b*) Types of plants and processes: The following plants or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom:[5]

Alkylation.	Oxo process.
Aromatization.	Ozonolysis.
Cracking.	Polymerization.
Dehydrogenation.	Reduction.
Desulfurization.	Reforming.
Halogenation.	Selective absorption.
Hydrogenation.	Selective adsorption.
Isomerization.	
Nitration.	
Oxidation.	

(ii) Technical data relating to the following commodities usable in processes listed in subdivision (i) (*b*) of this subparagraph:

---

[2] Data included in the foreign filing of a patent is also excluded from the restrictions set forth in paragraph (d) of this section if such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office.

[3] Only the restrictions set forth in paragraph (c) of this section apply to exports of technical data for use in Canada. In all other cases, an export of technical data for use in Canada may be made without either a validated or a general license. For reexport provisions applicable to Canada and other countries, see § 379.8 (b) and (c).

[1] This commodity is not listed on the Commodity Control List since it is under the export control jurisdiction of the U.S. Maritime Administration. However, technical data relating to this commodity is under the export control jurisdiction of the Office of Export Control.

[2] Technical data relating to military or naval submersible watercraft are subject to the export licensing authority of the U.S. Department of State.

[3] The term "direct product," as used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct product.

[4] Effective April 26, 1971, Country Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remain unchanged.

[5] This includes plants, or processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane, and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

Export control commodity No.	Commodity description
711	Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
7191	Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories n.e.c.
7191	Fractionating columns as follows: (a) Having or having provisions for 25 or more trays or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories.
7197	Equipment, n.e.c., specially designed for use in the following units: (a) solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulphurization, (j) thermal or catalytic cracking, reforming or platforming; and specially designed parts and accessories therefor, n.e.c.
7192	Industrial pumps as follows: (a) Specially designed for use in the processing of petroleum petrochemicals, natural gas, or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and attachments therefor.
7192	Axial flow, mixed flow and centrifugal air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
7192	Stationary positive displacement air and gas compressors, reciprocating, as follows: (a) Capable of receiving a power input of 500 horsepower or greater *and* specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions, except gas engine driven, integral angle reciprocating compressors above 500 horsepower; or (b) over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
7192	Separators and collectors, industrial process types, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71980	Mixing and blending machines having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71980	Fractionating columns as follows: Having, or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71980	Other processing vessels nonmixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
71980	Pulsation dampeners having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.
7199	Pipe valves as follows: (a) Specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

[1] The materials applicable to the flow-contact surfaces of this equipment are (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel, or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.

(iii) Technical data relating to the following materials and equipment:

(*a*) Molecular sieves (for example, crystalline calcium alumino-silicate; crystalline sodium alumino-silicate; crystalline alkali metal alumino-silicates, etc.) (Export Control Commodity Nos. 514 and 59);

(*b*) Pyrolytic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Export Control Commodity No. 663); semi-finished or finished materials or products containing pyrolytic graphite as a standing body, a coating, a lining, or a substrate (Export Control Commodity Nos. 59, 663, and 7299);

(*c*) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, lining or substrates (Export Control Commodity No. 7299);

(*d*) Cementing equipment; sidewall coring equipment; blowout preventers; fishing tools incorporating integral moving parts, casing cutters, and casing pullers; drilling control and surveying instruments; safety joints; jars, back-off tools, slip or telescopic joints; pipe and casing tongs, power type; percussion or vibratory attachments for rotary drilling; and drawworks and rotary tables designed for an input of 150 hp. and over (Export Control Commodity No. 718);

(*e*) Rotary drill rigs incorporating rotary tables and with drawworks designed for an input of 150 hp. and over (other than truck-mounted drill rigs incorporating rotary tables with drawworks designed for an input of up to 900 horsepower), workover rigs, and drift indicators containing gyroscopes or cameras (Export Control Commodity Nos. 718 and 732);

(*f*) Rotary rocked drill bits (cone or roller types), and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 695 and 718);

(*g*) Gravity meters (gravimeters); and specially designed parts and accessories (Export Control Commodity No. 8619);

(*h*) Casing head and Christmas tree assemblies, over 10,000 p.s.i., chokes and components; perforating equipment; formation and production testers, and packers; gas lift equipment; bottom hole pumps; and work-over rigs (Export Control Commodity Nos. 7192, 71980, 7199, and 732);

(*i*) Well logging instruments and equipment and seismograph equipment except observatory type (Export Control Commodity No. 7295);

(*j*) Ion exchange resins as follows: (*1*) copolymers of styrene and divinyl benzene in which the predominant functional groups are either quaternary ammonium derivates (basic type), or the sulfonic radical (acidic type), (*2*) mixed bed formulations consisting principally of resins specified in (*1*) above, (*3*) ion exchange membranes (all types), and (*4*) ion exchange liquids (Export Control Commodity No. 581);

(*k*) Rhenium in all forms: concentrates, oxides and compounds, metal and alloys, and metal powders (Export Control Commodity Nos. 28, 513, 514, 6895, and 6989);

(*l*) Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and specially designed parts, controls, and

See footnote end of table.

accessories, n.e.c. (Export Control Commodity No. 71980);

(*m*) Silicon carbide, all types, 99 percent purity and over (Export Control Commodity No. 514);

(*n*) Phosphor compounds specially prepared for lasers, including but not limited to: neodymium-doped calcium tungstate, dysprosium-doped calcium fluoride, europium-trifluoroethenoyl acetonate, praseodymium-doped lanthanum trifluoride (Export Control Commodity No. 53);

(*o*) Hot or cold isostatic presses; and specially designed parts and accessories (Export Control Commodity No. 71980);

(*p*) Pyromellitic acid and dianhydrides (Export Control Commodity No. 512);

(*q*) Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53, 581, 59, 663, and 89300);

(*r*) Bonded, brazed, or welded structural sandwich constructions, including cores, face sheets, and attachment materials, manufactured in whole or in part from precipitation hardened stainless steel, beryllium, molybdenum, niobium (columbium), tantalum, titanium, tungsten, and their alloys, or any combination of such materials (Export Control Commodity Nos. 691 and 6989);

(*s*) Silica, quartz, carbon, or graphite fibers in all forms (for example, chopped or macerated; filaments, yarns, rovings, and unwoven tapes for winding or weaving purposes; woven fabrics and tapes; non-woven mats and felts); and compounds or compositions (composites) thereof with laminating resins in crude and semi-fabricated forms, including molding compositions and molded shapes (Export Control Commodity Nos. 581, 59, 651, 653, 655, 663, 664, 7299, and 89300);

(*t*) Transonic (Mach 0.8 to 1.4), supersonic (Mach 1.4 to 5.5), hypersonic (Mach 5.5 to 15), and hypervelocity (above Mach 15) wind tunnels and devices (including hotshot tunnels, plasma arc tunnels, shock tunnels, gas tunnels, shock tubes, and light gas guns) for simulating environments at Mach 0.8 and above; and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 71980, 7295, 8618, and 8619);

(*u*) Offshore drilling platforms (except fixed, nonfloating types); and specially designed parts and components (Export Control Commodity No. 735);[1]

(*v*) Watercraft of 65 feet and over in overall length, designed to include motors or engines of 600 horsepower or over and greater than 45 displacement tons (Export Control Commodity No. 735);[1]

(*w*) Methyl methacrylate, cross-linked, hot stretched, clear, film, sheeting, or laminates (Export Control Commodity No. 581); and

(*x*) High speed plates, sensitized, unexposed, as follows: (*1*) having an intensity dynamic range of 1,000,000:1 or greater, or (2) having a speed of ASA 10,000 (or equivalent) or more (Export Control Commodity No. 862).

(*y*) Doppler sonar navigation systems (Export Control Commodity No. 7295).

(*z*) Specially purified (electronic grade) synthetic polymer photoresist thinners and rinses (Export Control Commodity No. 59).

(*aa*) Synthetic polymer photoresists and specially purified (electronic grade) photoresist developers (Export Control Commodity No. 862).

(*bb*) Photographic film and plates, including metal-clad, sensitized, unexposed, capable of a resolution (when measured with a 1,000:1 high contrast test object) of more than 500 line pairs/mm. (Export Control Commodity No. 862).

(*cc*) Photographic film and plates, including metal-clad, exposed, but not developed, bearing an image suitable for use in the production of masks for microelectronic circuitry manufacture (Export Control Commodity No. 862).

(*dd*) Photographic film and plates, sensitized, unexposed, having spectral sensitivity extending above 7,200 or below 2,000 angstroms (Export Control Commodity No. 862).

(*ee*) Proton magnetometers, n.e.c. (Export Control Commodity No. 7295).

(*ff*) Nickel-based alloys (i.e., containing a higher percentage, by weight, of nickel than any other element), including scrap, tube fittings, and pipe fittings thereof, containing: (*1*) More than 3 percent (by weight) of titanium and/or aluminum in any combination; or (*2*) more than 8 percent (by weight) of molybdenum, tungsten, and/or niobium in any combination (Export Control Commodity Nos. 28, 683, 6988, 6989, 723, and 7299).

(*gg*) Cobalt-based alloys (i.e., containing a higher percentage, by weight, of cobalt than any other element), including scrap thereof, containing: (*1*) More than 5 percent (by weight) of tungsten, molybdenum, and/or tantalum, separately or in any combination; and (*2*) not more than 1 percent (by weight) of carbon (Export Control Commodity Nos. 6895, 6988, and 6989).

(*hh*) Magnetic materals, other than those specified in Interpretation 6(a), that meet all of the following: (*1*) Consist principally of aluminum, nickel, and cobalt; (*2*) are capable of an energy product in the range of 4.0 times 10^6 gauss-oersteds; and (*3*) have a coercive force in the range of from 1,500 oersteds up to and including 1,800 oersteds (Export Control Commodity Nos. 28, 683, 6895, 6989, and 7299).

(*ii*) Aerial film and plates, and continuous tone aerial duplicating film and plates, (*1*) having a spectral sensitivity extending above 7,200 or below 2,000 angstroms, or (*2*) capable of a resolution (when measured with a 1,000:1 high contrast test object) of 100 or more line pairs per millimeter for aerial camera films and plates, or of more than 300 line pairs per millimeter for aerial duplicating films and plates, or (*3*) having a base thickness before coating of less than .004 inch (Export Control Commodity No. 862).

(iv) The limitations set forth in this subparagraph do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in paragraph (b)(2) of this section.

(v) The written assurance set forth in this subparagraph applies only to Country Groups W, Y, and Z, for exports of technical data relating to the following commodities:

(*a*) Activated carbon catalysts usable in petroleum and chemical processing operations (Export Control Commodity No. 59) and catalysts usable in petroleum and chemical processing operations, except hydrocracking catalysts and catalysts usable in the ultrapurification of hydrogen (Export Control Commodity Nos. 512, 513, and 514);

(*b*) Fractionating columns having, or having provisions for, 25 or more trays, and parts, n.e.c. (Export Control Commodity Nos. 7191 and 71980);

(*c*) Pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions (Export Control Commodity No. 7199); and

(*d*) Pipe valves incorporating 90 percent or more tantalum, titanium, or zirconium, either separately or combined, and parts, n.e.c. (Export Control Commodity No. 7199).

(2) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (1) of this paragraph, and except as provided in subdivision (v) of this subparagraph, no export of technical data relating to the commodities described below in this subparagraph may be made under the provisions of this General License GTDR until the U.S. exporter has received a written assurance from the foreign importer that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to Country Group Q, W,[1] Y, or Z any technical data relating to commodities identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below";

[1] This commodity is not listed on the Commodity Control List since it is under the export control jurisdiction of the U.S. Maritime Administration. However, technical data relating to this commodity is under the export control jurisdiction of the Office of Export Control.

[1] Effective Apr. 26, 1971, Country Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remain unchanged.

(b) Export, directly or indirectly, to Country Group Z any direct product [2] of the technical data if such direct product is identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below"; or

(c) Export, directly or indirectly, to any destination in Country Group Q, W, or Y any direct product [2] of the technical data if such direct product is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List.

(ii) If the direct product [2] of any technical data is a complete plant or any major component of a plant that is capable of producing a commodity identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below," or appears in the U.S. Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the U.S. exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

(a) Reexport, directly or indirectly, to Country Group Q, W,[1] Y, or Z the technical data relating to the plant or the major component of a plant;

(b) Export, directly or indirectly, to Country Group Z the plant or the major component of a plant (depending upon which is the direct product [2] of the technical data) or any product of such plant or of such major component if such product of the plant is identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below," or appears in the U.S. Munitions List; or

(c) Export, directly or indirectly, to Country Group Q, W, or Y the plant or the major component of a plant (depending upon which is the direct product of the technical data), or any product of such plant or of such major component, if such product is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, or appears in the U.S. Munitions List.

NOTE: Pursuant to the provisions of Current Export Bulletin 891, effective April 1, 1964, §§ 379.4(e) (2) (ii) (b) and (c) required certain written assurances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of U.S. origin exported under General License GTDR.

[1] Effective April 26, 1971, Country Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remain unchanged.

Except as to commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, and items on the U.S. Munitions List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDR for export of this type of technical data is hereby deferred until further notice, subject to the following limitations:

1. The exporter shall, at least 2 weeks before the initial export of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify the U.S. Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by § 379.4(e) (2) (ii) (b) above, when such product is not identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List and requires a validated license for export to Country Group W by the information set forth in the column titled "Validated License Required for Country Groups Shown Below." The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirements of §§ 379.4(e) (2) (ii) (b) and (c) as to plant products that are identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, or are on the U.S. Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom. This deferment applies to exports of technical data pursuant to any type of contract or arrangement, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct product [2] thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained.

(iv) In addition, this general license is not applicable to any export of technical data of the kind described in this subparagraph if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product [2] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in this subparagraph do not apply to the export of:

(a) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(b) Technical data supporting a price quotation as described in paragraph (b) (2) of this section.

NOTE: A written assurance is not required for the export under this General License GTDR of any technical data which do not fall within the description set forth in § 379.4(e) (1) or (2) above.

[2] The term "direct product," as used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

[FR Doc.72-14120 Filed 8-21-72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

[Docket No. R-72-212]

PART 35—PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Regulations implementing section 401 of the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695, 84 Stat. 2078) were promulgated by the Secretary of Health, Education, and Welfare by publication in the FEDERAL REGISTER on March 7, 1972 (37 F.R. 4915). These regulations (42 CFR Part 90) were applicable to all Federal agencies and prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance in any form.

As this part implements provisions of the Code of Federal Regulations already promulgated by another agency, we find it unnecessary to provide for notice and public procedure thereon, and good cause exists for allowing it to become effective immediately.

Accordingly, HUD is adopting a new Part 35 as follows:

Sec.
35.1 Purpose.
35.3 Definitions.
35.5 Applicability.

AUTHORITY: The provisions of this Part 35 issued under Public Law 91-695, 84 Stat. 2079; 42 U.S.C. section 4801, et seq.

§ 35.1 Purpose.

This Part 35 implements the provisions of 42 CFR Part 90, which are applicable to Federal agencies and which prohibit use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance.

§ 35.3 Definitions.

(a) "Lead-based paint," as defined in section 501(3) of the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2080; 42 U.S.C. 4841(3)), means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied.

(b) "Residential structure" means any house, apartment, or structure intended for human habitation including any institutional structure where persons reside, such as an orphanage, boarding school dormitory, day care center or extended-care facility (42 CFR 90.2(f)), and including nursing homes and intermediate care facilities.

(c) "Applicable surfaces" means all interior surfaces and those exterior surfaces, such as stairs, decks, porches, railings, windows, and doors, which are readily accessible to children under 7 years of age (42 CFR 90.2(g)).

(d) "Federally assisted" includes any kind of Federal financial assistance whether by grant, loan, advance, loan guarantee, or mortgage insurance.

(e) "Rehabilitation" or "rehabilitated" includes routine maintenance which is federally assisted.

§ 35.5 Applicability.

(a) No office of the Department of Housing and Urban Development shall, in the construction or rehabilitation of any residential structure, use or permit the use of lead-based paint on applicable surfaces.

(b) Each Assistant Secretary of the Department of Housing and Urban Development shall take such actions as in his judgment are necessary to prohibit the use of lead-based paint on applicable surfaces of any residential structures constructed or rehabilitated under any federally assisted program under his jurisdiction. Such actions shall require the inclusion of appropriate provisions in contracts and subcontracts pursuant to which such federally assisted construction or rehabilitation is performed prohibiting such use of lead-based paint, and shall include any necessary provisions for enforcement of that prohibition.

Effective date. This regulation shall become effective upon publication in the FEDERAL REGISTER (8–22–72).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72–14168 Filed 8–21–72;8:46 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 492–72]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart L—Internal Security Division

ADDITIONAL FUNCTIONS OF ASSISTANT ATTORNEY GENERAL

By memorandum dated December 18, 1970, the Deputy Attorney General, pursuant to 28 CFR 0.15, transferred from the Criminal Division to the Internal Security Division responsibility for all criminal cases involving Federal law violations perpetrated by terrorist or revolutionary groups or members of such groups. This order amends the listing of functions of the Internal Security Division in 28 CFR 0.61 to reflect that change.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 0.61 of Subpart L of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following paragraph (n) at the end thereof:

§ 0.61 General functions.

* * * * *

(n) All criminal cases involving Federal law violations perpetrated by terrorist or revolutionary groups or members of such groups, including, but not limited to, the enforcement of Title XI of the Organized Crime Control Act of 1970, 18 U.S.C. 841–848, and 18 U.S.C. 1361, when the offense is committed by members of terrorist or revolutionary groups.

Dated: August 16, 1972.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.72–14167 Filed 8–21–72;8:46 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1–58]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Reservation of Authority in Administration of Air Traffic Controller Career Program

The purpose of this amendment is to reserve to the Secretary of Transportation certain authority vested in him by Public Law 92–297 (86 Stat. 141). Public Law 92–297, which was enacted on May 16, 1972, and becomes effective August 15, 1972, establishes a career program for air traffic controllers. Authority to carry out that statute is delegated to the Federal Aviation Administrator under § 1.45(a)(1) of the Secretary's regulations (49 CFR 1.45(a)(1)).

Since this amendment relates to departmental management, procedures and practices, notice and public procedure thereon is unnecessary, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective immediately, § 1.44(e) of title 49, Code of Federal Regulations, is amended by adding the following new subparagraph at the end thereof:

§ 1.44 Reservations of authority.

* * * * *

(e) * * *

(7) Authority to determine the maximum limit of age for appointment of air traffic controllers as provided by 5 U.S.C. 3307(b) (86 Stat. 141).

* * * * *

This action is taken under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on August 15, 1972.

JAMES M. BEGGS,
Acting Secretary of Transportation.

[FR Doc.72–14153 Filed 8–21–72;8:45 am]

[OST Docket No. 1, Amdt. 1–56]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Licensing of Personnel on Towing Vessels

The purpose of this amendment is to delegate to the Commandant of the Coast Guard authority vested in the Secretary by a recently enacted statute, Public Law 92–339 (86 Stat. 423), providing for the licensing of personnel on certain towing vessels.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended, effective August 8, 1972, as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(o) Carry out the responsibilities and exercise the authority vested in the Secretary by the following statutes:

* * * * *

(3) Public Law 92–339, relating to the licensing of personnel on certain towing vessels (86 Stat. 423).

This action is taken under the authority of sections 3(e) and 9(e) of the Department of Transportation Act (49 U.S.C. 1652(e) and 1657(e)).

Issued in Washington, D.C., on August 8, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72-14152 Filed 8-21-72;8:45 am]

[OST Docket Nos. 1, 11, 17; Amdts. 1-57, 3-2, 89-1]

REDELEGATIONS OF AUTHORITY AND MISCELLANEOUS ORGANIZATIONAL CHANGES

The purpose of this amendment is to add a new Appendix A to Part 1 to contain delegations and redelegations of authority by secretarial officers, to provide for several organizational changes within the Office of the Secretary, to codify an existing delegation with respect to the Interagency Group on International Aviation, and to grant the Assistant Secretary for Administration broader authority in financial matters. It will also modify the Coast Guard delegations to reflect recent statutory changes and will make several minor technical amendments to Parts 1 and 3, primarily to change references to the Bureau of the Budget to the Office of Management and Budget.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Parts 1, 3, and 89 of Title 49, Code of Federal Regulations, are amended as follows, effective August 9, 1972.

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

1. The table of contents for Part 1 is amended by adding the following item at the end thereof:

Appendix A—Delegations and Redelegations by Secretarial Officers.

2. Section 1.23 is amended by revising paragraphs (c), (d), (f), and (h) to read as follows:

§ 1.23 Structure.

* * * * *

(c) *Office of the Assistant Secretary for Policy and International Affairs.* This office is composed of the Offices of Systems Analysis and Information; Policy Review; Policy and Plans Development; Facilitation; and International Programs.

(d) *Office of the Assistant Secretary for Environment and Urban Systems.* This office is composed of the Offices of Environmental Quality; Transportation Planning Assistance; and Urban Transportation Systems.

* * * * *

(f) *Office of the Assistant Secretary for Safety and Consumer Affairs.* This office is composed of the Offices of Safety Program Coordination; Hazardous Materials; Pipeline Safety; Consumer Affairs; and Transportation Security.

* * * * *

(h) *Office of Assistant Secretary for Administration.* This office is composed of the Offices of Personnel and Training; Management Systems; Administrative Operations; Investigations and Security; Installations and Logistics; Audits; and Emergency Transportation.

3. Section 1.24(e) is amended to read as follows:

§ 1.24 Spheres of primary responsibility.

* * * * *

(e) *Assistant Secretary for Safety and Consumer Affairs.* Safety program coordination; regulation of the transportation of hazardous materials; regulation of transportation of natural and other toxic gas by pipeline; consumer affairs; transportation security.

* * * * *

4. Section 1.46 is amended by revising paragraph (j) and adding a new paragraph (p) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(j) Through the Chief Counsel, U.S. Coast Guard, settle and pay claims against the United States as provided by 10 U.S.C. 2733.

* * * * *

(p) Prescribe regulations relating to the designation and leasing of rental housing pursuant to 14 U.S.C. 475(c) and Executive Order 11645 (February 8, 1972; 37 F.R. 2923) without approval by the President or the Secretary.

5. Section 1.52(b)(1) is amended to read as follows:

§ 1.52 Delegations to all Secretarial Officers.

* * * * *

(b) * * *

(1) Redelegate and authorize successive redelegations of authority granted by the Secretary within their respective organizations, except as limited by law or specific administrative reservation, including authority to publish those redelegations in Appendix A of this part.

* * * * *

6. Section 1.55 is amended by adding the following new paragraph:

§ 1.55 Delegations to Assistant Secretary for Policy and International Affairs.

* * * * *

(f) Serve as Department of Transportation member of the Interagency Group on International Aviation and, pursuant to Executive Order 11382, to serve as chairman of the group.

7. Section 1.58 is amended by revising paragraph (d) and adding a new paragraph (f) to read as follows:

§ 1.58 Delegations to Assistant Secretary for Safety and Consumer Affairs.

* * * * *

(d) Carry out the functions vested in the Secretary by the Natural Gas Pipeline Safety Act of 1968 (82 Stat. 720, 49 U.S.C. 1671).

* * * * *

(f) Serve as the Department's point of contact in relationships with government, State, regional, local, and private groups and organizations in matters relative to the departmentwide program for enhancing the safety and security of passengers and cargo in transit.

8. Section 1.60(c) is revised to read as follows:

§ 1.60 Delegations to Assistant Secretary for Administration.

* * * * *

(c) *Finance.* (1) Administer the financial and fiscal affairs of the Office of the Secretary (other than those for which the Deputy Under Secretary is responsible), including the establishment of fund controls and a system of accounts and reports, and perform other related acts necessary and incidental to such administration.

(2) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary and imprest fund cashiers for the departmental headquarters.

(3) In accordance with 31 U.S.C. 82a-1, grant or recommend relief from accountability for losses or deficiencies of disbursing officers, cashiers, or other accountable officers as follows:

(i) Grant relief for losses or deficiencies of less than $150 for which charges or exceptions have not been raised by the General Accounting Office.

(ii) Recommend relief by the Comptroller General for all other loss or deficiencies.

(4) Settle and pay claims by employees of the Office of the Secretary for personal property losses, as provided by 31 U.S.C. 241(b).

(5) Obtain surety bonds to cover those employees in the Office of the Secretary who are required by law or administrative ruling to be bonded.

(6) Waive, in whole or part, claims resulting from erroneous overpayment of pay to an employee of the Office of the Secretary, as provided by 4 CFR Parts 91, 92, and 93.

(7) Compromise, suspend collection action on, or terminate claims of the United States not exceeding $20,000 which are referred to, or arise out of the activities of, the Office of the Secretary.

(8) Certify to the validity of obligations as required by 31 U.S.C. 200 and to the adequacy of bond coverage for the designations made under (c)(2) of this section and sign budget execution reports required by OMB Circular A-34.

* * * * *

§§ 1.44, 1.54, 1.60 [Amended]

9. Sections 1.44(b), 1.44(c)(1), 1.44(c)(4), 1.54(d), 1.60(f)(2), 1.60(h), and 1.60(i) are amended by striking the words

"Bureau of the Budget" and inserting the words "Office of Management and Budget" in place thereof.

§ 1.59 [Amended]

10. Section 1.59(d) is revoked.

§ 1.60 [Amended]

11. Section 1.60(f)(2) is amended by striking the reference to "BOB" and inserting "OMB" in place thereof.

12. The following new appendix is added to Part 1:

APPENDIX A—DELEGATIONS AND REDELEGATIONS BY SECRETARIAL OFFICERS

1. *Director, Office of Pipeline Safety.*

OFFICE OF THE SECRETARY

DIRECTOR, OFFICE OF PIPELINE SAFETY

Redelegation of Authority Under the Natural Gas Pipeline Safety Act of 1968

Pursuant to the authority delegated to me by § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1), the authority to carry out the functions vested in the Secretary by the Natural Gas Pipeline Safety Act of 1968 (82 Stat. 720, 49 U.S.C. 1671) is hereby redelegated to the Director, Office of Pipeline Safety.

This redelegation of authority is made pursuant to the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657) and § 1.52(b) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.52(b)).

Issued in Washington, D.C., on August 9, 1972.

BEN DAVIS,
Assistant Secretary for Safety and Consumer Affairs.

OFFICE OF THE SECRETARY

CHIEF COUNSEL, COAST GUARD

Delegation of Certain Military Justice Authority

(a) Pursuant to the Uniform Code of Military Justice, Chapter 47 of title 10, United States Code, the Chief Counsel of the U.S. Coast Guard is authorized to exercise the powers and perform the duties, with respect to the Coast Guard, under the following sections of the Uniform Code:

(1) The authority to recommend assignment for duty of law specialists under Article 6(a), section 806(a) of title 10, United States Code.

(2) The authority to make field inspections in connection with the administration of military justice under Article 6(a), section 806(a) of title 10, United States Code.

(3) The authority to designate military judges; to make assignments of, and exercise direct responsibility for, military judges; and to assign, or approve the performance of, other duties of a judicial or nonjudicial nature by military judges under Article 26(c), section 826(c) of title 10, United States Code.

(4) The authority to forward to a Court of Military Review records that must be referred to a Court of Military Review under Article 66(b), section 866(b) of title 10, United States Code.

(5) The authority to instruct the convening authority to take action in accordance with the decision of the Court of Military Review and authority to dismiss the charges under Article 66(e), section 866(e) of title 10, United States Code.

(6) The authority to modify or vacate findings and sentences in cases not reviewed by a Court of Military Review under Article 69, section 869 of title 10, United States Code.

(b) The authority delegated by subparagraph (3) of paragraph (a) may be redelegated only to the Deputy Chief Counsel.

(c) The Chief Counsel shall make an annual summary report of his actions taken under subparagraph (6) of paragraph (a) of this delegation to the General Counsel of the Department of Transportation (including the number of cases subject to that authority, the number of applications for review filed, and the disposition thereof) for inclusion, as appropriate, in the Judge Advocates General and Court of Military Appeals report to Congress required by Article 67(g), section 867(g) of title 10, United States Code.

Issued in Washington, D.C., on July 14, 1969.

JAMES A. WASHINGTON, Jr.,
General Counsel.

OFFICE OF THE SECRETARY

CHIEF COUNSELS

Redelegation of Authority To Approve Sufficiency of Title to Land

Section 355 of the Revised Statutes, as amended by Public Law 91-393, 84 Stat. 835 (40 U.S.C. 255) authorizes the Attorney General to delegate to other departments and agencies his authority to give written approval of the sufficiency of the title to land being acquired by the United States. The Attorney General has delegated to the Assistant Attorney General in charge of the Land and Natural Resources Division the authority to make delegations under that law to other Federal departments and agencies (35 F.R. 16084; 28 CFR 0.66). The Assistant Attorney General, Land and Natural Resources Division, has further delegated certain responsibilities in connection with the approval of the sufficiency of the title to land to the Department of Transportation as follows:

DELEGATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE APPROVAL OF THE TITLE TO LANDS BEING ACQUIRED FOR FEDERAL PUBLIC PURPOSES

Pursuant to the provision of Public Law 91-393, approved September 1, 1970, 84 Stat. 835, amending R.S. 355 (40 U.S.C. 255), and acting under the provisions of Order No. 440-70 of the Attorney General, dated October 2, 1970, the responsibility for the approval of the sufficiency of the title to land for the purpose for which the property is being acquired by purchase or condemnation by the United States for the use of your Department is, subject to the general supervision of the Attorney General and to the following conditions, hereby delegated to your Department.

This delegation of authority is further subject to:

1. Compliance with the regulations issued by the Assistant Attorney General on October 2, 1970, a copy of which is enclosed.

2. This delegation is limited to:

(a) The acquisition of land for which the title evidence, prepared in compliance with these regulations, consists of a certificate of title, title insurance policy, or an owner's duplicate Torrens certificate of title.

(b) The acquisition of lands valued at $100,000 or less, for which the title evidence consists of abstracts of title or other types of title evidence prepared in compliance with said regulations.

As stated in the above-mentioned Act, any Federal department or agency which has been delegated the responsibility to approve land titles under the Act may request the Attorney General to render his opinion as to the validity of the title to any real property or interest therein, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

This 2d day of October 1970.

SHIRO KASHIWA,
Assistant Attorney General, Land and National Resources Division.

The above authority was delegated to the General Counsel of the Department of Transportation by Amendment 1-41 to Part 1 of Title 49, Code of Federal Regulations, 35 F.R. 17658, November 17, 1970.

In consideration of the foregoing and pursuant to the authority delegated to the General Counsel of the Department of Transportation by § 1.59(k) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(k)), the Chief Counsels of the Federal Aviation Administration, Federal Highway Administration, National Highway Safety Bureau, U.S. Coast Guard, Federal Railroad Administration, Urban Mass Transportation Administration, and the St. Lawrence Seaway Development Corporation are hereby authorized to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of their respective organizations. This delegation is subject to the limitations imposed by the Assistant Attorney General, Land and Natural Resources Division, in his delegation to the Department of Transportation. Redelegations of this authority may only be made by the Chief Counsels to attorneys within their respective organizations.

If his organization does not have an attorney experienced and capable in the examination of title evidence, a Chief Counsel may, with the concurrence of my office, request the Attorney General to (1) furnish an opinion as to the validity of a title to real property or interest therein, or (2) provide advice or assistance in connection with determining the sufficiency of the title.

Issued in Washington, D.C., on November 27, 1970.

JAMES A. WASHINGTON, Jr.,
General Counsel.

OFFICE OF THE SECRETARY

CHIEF, ACCOUNTING OPERATIONS CENTER

Redelegation of Certain Authority Relating to Financial and Budget Matters

Pursuant to the authority delegated to me by § 1.60(c) (2) and (8) of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1), the Chief, Accounting Operations Center, is hereby delegated authority to (1) designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary and imprest fund cashiers for the departmental headquarters; (2) certify to the validity of obligations as required by 31 U.S.C. 200 and to the adequacy of bond coverage for the designations made under § 1.60(c)(2); and (3) sign reports on Budget Execution as required by OMB Circular A-34.

This redelegation of authority is made pursuant to the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657) and § 1.52(b) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.52(b)).

Issued in Washington, D.C., on August 9, 1972.

WILLIAM S. HEFFELFINGER,
Assistant Secretary for Administration.

PART 3—OFFICIAL SEAL

13. Section 3.3(a) is amended to read as follows:

§ 3.3 Authority to affix seal.

(a) The following officials of the Department of Transportation are authorized to affix the official seal of the Department of Transportation to appropriate documents and other materials of the Department, for all purposes, including those authorized by 28 U.S.C. 1733(b): The General Counsel, the Assistant Secretary for Administration, the Commandant of the Coast Guard, the Federal Aviation Administrator, the Federal Highway Administrator, the Federal Railroad Administrator, the Urban Mass Transportation Administrator, the National Highway Traffic Safety Administrator, the Chairman, National Transportation Safety Board, and the Chairman, Board of Contract Appeals.

* * * * *

§ 3.5 [Amended]

14. Section 3.5 is amended by striking the words "Assistant Secretary for" and inserting the words "Director of" in place thereof and by striking the address "800 Independence Ave.," and inserting the address "400 Seventh St.," in place thereof.

PART 89—IMPLEMENTATION OF FEDERAL CLAIMS COLLECTION ACT OF 1966

15. Section 89.1(a) is amended to read as follows:

§ 89.1 Delegations of authority.

* * * * *

(a) The Assistant Secretary for Administration with respect to claims arising out of the activities of, or referred to, the Office of the Secretary; and

* * * * *

§ 89.3 [Amended]

16. Section 89.3 is amended by adding the word "or" at the end of paragraph (c), by striking the semicolon and the word "or" at the end of paragraph (d) and inserting a period in place thereof, and by deleting paragraph (e).

§ 89.11 [Amended]

17. Section 89.11(b) is amended by striking the words "General Counsel" and inserting the words "Assistant Secretary for Administration" in place thereof.

This action is taken under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on August 9, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72-14154 Filed 8-21-72;8:46 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

De Soto National Wildlife Refuge; Iowa and Nebr.

Amendment to special sport fishing regulations (§ 33.5) published in the FEDERAL REGISTER November 11, 1971 (36 F.R. 21597), and is effective on the date of publication in the FEDERAL REGISTER (8-22-72).

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

The open period for public fishing on the De Soto National Wildlife Refuge will be extended from the published closing date of September 15, to continue through September 30, 1972. During this extension, all boat and bank fishermen will be allowed to use the entire lake. No boats may be powered by a motor greater than 20 horsepower.

Item (2) is amended to read as follows:

(2) Open season: Daylight hours January 1, 1972, through February 28, 1972, and 6 a.m. to 9 p.m., April 15, 1972, through September 30, 1972, 6 a.m. to 9 p.m.

Item (8) is amended to read as follows:

(8) The use of boats, with or without motors, is permitted during the period April 15, 1972, through September 30, 1972. No boats may be powered by a motor greater than 20 horsepower from September 16, 1972, through September 30, 1972.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1972.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

AUGUST 8, 1972.

[FR Doc.72-14148 Filed 8-21-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

CHRISTMAS TREES

Proposed Standards for Grades; Extension of Time

A proposal for revision of the U.S. Standards for Grades of Christmas Trees (7 CFR 51.3085–51.3104) was published in the FEDERAL REGISTER on July 20, 1972 (37 F.R. 14389). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

In consideration of comments and suggestions received indicating the need for further study of the proposal, the time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposal is hereby extended until September 15, 1972.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than September 15, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27 (b)).

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: August 16, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.72–14161 Filed 8–21–72;8:46 am]

[7 CFR Part 910]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment; 1972–73 Fiscal Year

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, Calif., effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period August 1, 1972, through July 31, 1973, will amount to $276,000.

(2) That the rate of assessment for said period, payable by each handler in accordance with § 910.41, be fixed at $0.023 per carton of lemons.

(3) That $20,000 of unexpended funds in excess of expenses incurred during the fiscal year ended July 31, 1972, be added to the reserve, established pursuant to § 910.42(a)(2).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the 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.72–14160 Filed 8–21–72;8:46 am]

[7 CFR Part 931]

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Proposed Expenses and Fixing of Rate of Assessment for 1972–73 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee, during the period July 1, 1972, through June 30, 1973, will amount to $15,250.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 931.41 be fixed at $0.005 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended June 30, 1972, be carried over as a reserve in accordance with § 931.42 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 17, 1972.

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

[FR Doc.72–14191 Filed 8–21–72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

PRESCRIPTION-DRUG ADVERTISEMENTS

Notice of Proposed Rule Making

Industry representatives frequently have asked the Food and Drug Administration for opinions on the propriety of prescription drug advertising.

Section 1.105(e)(6) of the regulations (21 CFR 1.105(e)(6)) lists 20 examples of specific practices which would make a prescription-drug advertisement false, lacking in fair balance, or otherwise misleading, or otherwise violative of section 502(n) of the Federal Food, Drug, and Cosmetic Act. Pertinent to this section of the regulations are two types of misleading advertising that have come to the Food and Drug Administration's attention.

In spite of the specific example in § 1.105(e)(6)(ii) that a prescription-drug advertisement should not contain a drug comparison that represents or

suggests that a drug is safer or is more effective than another drug in some particular when it has not been demonstrated to be safer or more effective in such particular by substantial evidence or substantial clinical experience, numerous prescription drug advertisements continue to make unwarranted comparative effectiveness claims. It is the opinion of the Commissioner of Food and Drugs that no competitive effectiveness claims or quantitative statements of effectiveness should be made in advertising for a new drug or certified or released antibiotic, either directly or by implication, e.g., by use of comparative test results, unless the Food and Drug Administration has approved that claim, as part of a new drug or antibiotic application, for use in labeling on the basis of substantial evidence. For other prescription drugs, such claims must be backed up by substantial evidence or substantial clinical experience, and will result in the drug being classified as a new drug unless the basis for the claim is generally recognized among experts. Accordingly, the Commissioner proposes to amend § 1.105 (e) (6) (ii) to make this policy clear.

In spite of the example in § 1.105(e) (6) (vii) that an advertisement for a prescription drug should not utilize favorable in vitro or other nonclinical study data in a way that suggests that they have clinical significance when in fact no such clinical significance has been demonstrated, it is common practice to advertise in vitro activity for antibiotic drugs without supporting clinical evidence that the in vitro results have clinical significance. It is the opinion of the Commissioner that such advertising is misleading. In vitro or other test effectiveness data may be properly used in advertising for a certified or released antibiotic or a new drug only where it has been approved by the Food and Drug Administration on the basis of acceptable clinical data in an application. For other prescription drugs such data should be used only if proved to have clinical significance. Accordingly, the Commissioner proposes that § 1.105(e) (6) (vii) of the regulations be amended to refer specifically to this matter.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(n), 701(e), 52 Stat. 1050, as amended by 76 Stat. 791, 1055, as amended by 70 Stat. 919; 21 U.S.C. 352 (n), 371(e)) and under authority delegated to him (21 CFR 2.120) the Commissioner of Food and Drugs proposes to amend § 1.105(e) (6) by adding the following new sentences to the ends of subdivisions (ii) and (vii) as follows:

§ 1.105 Prescription-drug advertisements.

* * * * *

(e) * * *

(6) * * *

(ii) * * * Advertising for a prescription drug may not, either directly or by implication (e.g., by use of comparative test data or reference to published reports), represent that the drug is safer or more effective than another drug or contain a quantitative statement of effectiveness unless the claim or statement has been approved as part of a new drug or antibiotic application or if the drug is not a new drug or certified or released antibiotic unless the claim or statement is proved by substantial evidence or substantial clinical experience.

* * * * *

(vii) * * * Data demonstrating activity or effectiveness for a prescription drug *in vitro* or in other tests not representing a valid clinical situation may not be used in advertising unless use of such data has been approved in an application for a new drug or certified or released antibiotic, or if the drug is not a new drug or certified or released antibiotic, such data may be used only if proved by substantial evidence or by substantial clinical experience to have clinical significance.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 18, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-14268 Filed 8-21-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72-158P]

AIWW, POMPANO BEACH, FLA.

Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Northeast 14th Street Causeway Drawbridge across the Atlantic Intracoastal Waterway at Pompano Beach to allow periods from 7 a.m. to 6 p.m. from November 1 through May 31 when the draw may remain closed to the passage of vessels. The draw is presently required to open on signal. This change is being considered because of an increase in vehicular traffic.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before September 26, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.442a immediately after § 117.442 to read as follows:

§ 117.442a AIWW, Pompano Beach, Fla., Northwest 14th Street Bridge.

(a) The draw shall open on signal except that from 7 a.m. to 6 p.m. from November 1 through May 31 the draw need open only on the quarter hour and three quarter hour and except as provided for in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, State or local vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn, or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4))

Dated: August 15, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-14171 Filed 8-21-72;8:47 am]

[33 CFR Part 117]

[CGD 72-159P]

ALABAMA RIVER, ALA.

Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Gulf, Mobile and Ohio railroad bridge across the Alabama River, mile 277.8, near Montgomery to require the draw open on signal if at least 24 hours notice has been given. The draw is presently required to open on signal at any time. This change is being considered because no openings of the draw have been required for the passage of vessels for at least 5 years.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard

District, Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before September 26, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the following, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new subparagraph (12-a) immediately after subparagraph (12) of paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(12-a) Alabama River, Ala.; Gulf, Mobile and Ohio Railroad Co. Bridge, mile 277.8 near Montgomery. The draw shall open on signal if at least 24 hours notice has been given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: August 15, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.72-14170 Filed 8-21-72;8:47 am]

[46 CFR Parts 35, 78, 97, 196]

[CGD 72-134 P.H.]

SHIPS' MANEUVERING CHARACTERISTICS DATA

Proposed Requirements for Availability in Pilothouse

The Coast Guard is considering amendments to the operations regulations for several classes of vessels to require that certain vessels of 1,600 gross tons or over carry maneuvering information in their pilothouses.

Interested persons are invited to participate in this rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590 (phone 202—426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed.

The Coast Guard will hold a public hearing at 9:30 a.m., Room 7200, on September 28, 1972 at the Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. to receive written and oral comments from interested persons. The hearing will be conducted by a member or representative of the Marine Safety Council, who may apportion time for presentation. Each person desiring to speak at this hearing is requested to notify the Executive Secretary of the time needed for his presentation and is encouraged to submit a written copy or summary after the hearing of his oral presentation.

All relevant communications received on or before October 13, 1972 will be fully considered before final action is taken on this proposal.

This proposal may be changed in light of comments received; however, acknowledgment of individual comments will not be made. Copies of comments and a tape recording of the public hearing will be available for examination in Room 8234. Copies of comments will be furnished to interested persons upon request to the Coast Guard (CMC/82) and payment of fees prescribed in 49 CFR 7.81.

It is proposed to require that the following classes of vessels 1,600 gross tons or over:

1. Tank vessels,
2. Passenger vessels,
3. Cargo and miscellaneous vessels, and
4. Oceanographic vessels.

carry the following maneuvering information in their pilothouses:

1. Speed versus RPM tables,
2. Minimum steerageway speed,
3. Turning circle diagrams,
4. Stopping time and distance.

All of these requirements would be new rules.

These proposals originated in recommendation number D.1 of the National Transportation Safety Board's "Study of Collisions of Radar Equipped Merchant Ships and Preventive Recommendations" of December 18, 1968. The NTSB and the Coast Guard believe that the lack of maneuvering information in the pilothouse has been at least partially responsible for errors of judgment that have led to collisions. The need for maneuvering information is particularly critical for transient mates and pilots on supertankers. It is also needed by a pilot or mate on any class of vessel with which he is not familiar. The purpose of these regulations is to provide this information for use in pilothouses to reduce errors in maneuvering.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46 of the Code of Federal Regulations as follows:

SUBCHAPTER D—TANK VESSELS

PART 35—OPERATIONS

Subpart 35.20—Navigation

1. By amending Subpart 35.20 by adding a new § 35.20-40 to read as follows:

§ 35.20-40 Maneuvering characteristics—T/ALL.

(a) On tankships of 1,600 gross tons or over, at least the following maneuvering information, computed at normal load and normal ballast condition, must be available in the pilothouse:

(1) A table of shaft revolutions per minute for each knot of the vessel's speed, with a designation of the "full speed" and "half speed" used in computing the other information required by this section.

(2) The lowest constant shaft revolutions per minute at which the vessel can be steered in still water.

(3) Turning circle diagrams to port and starboard, at full and half speed, that show the time and the distance of advance and transfer required to alter the vessel's course 90 degrees with maximum rudder angle and constant shaft revolutions per minute.

(4) The approximate time and distance to stop the vessel, from full and half speed, after the application of emergency full astern power.

SUBCHAPTER H—PASSENGER VESSELS

PART 78—OPERATIONS

Subpart 78.21—Maneuvering Characteristics

2. By amending Part 78 by adding a new Subpart 78.21 to read as follows:

§ 78.21-1 Data required.

(a) On vessels of 1,600 gross tons or over, at least the following maneuvering information, computed at normal load and normal light condition, must be available in the pilothouse:

(1) A table of shaft revolutions per minute for each knot of the vessel's speed, with a designation of the "full speed" and "half speed" used in computing the other information required by this section.

(2) The lowest constant shaft revolutions per minute at which the vessel can be steered in still water.

(3) Turning circle diagrams to port and starboard, at full and half speed, that show the time and the distance of advance and transfer required to alter the vessel's course 90 degrees with maximum rudder angle and constant shaft revolutions per minute.

(4) The approximate time and distance to stop the vessel, from full and half speed, after the application of emergency full astern power.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

Subpart 97.19—Maneuvering Characteristics

3. By amending Part 97 by adding a new Subpart 97.19 to read as follows:

§ 97.19–1 Data required.

(a) On vessels of 1,600 gross tons or over, at least the following maneuvering information, computed at normal load and normal light condition, must be available in the pilothouse:

(1) A table of shaft revolutions per minute for each knot of the vessel's speed, with a designation of the "full speed" and "half speed" used in computing the other information required by this section.

(2) The lowest constant shaft revolutions per minute at which the vessel can be steered in still water.

(3) Turning circle diagrams to port and starboard, at full and half speed, that show the time and the distance of advance and transfer required to alter the vessel's course 90 degrees with maximum rudder angle and constant shaft revolutions per minute.

(4) The approximate time and distance to stop the vessel, from full and half speed, after the application of emergency full astern power.

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

PART 196—OPERATIONS

Subpart 196.19—Maneuvering Characteristics

4. By amending Part 196 by adding a new Subpart 196.19 to read as follows:

§ 196.19–1 Data required.

(a) On vessels of 1,600 gross tons or over, at least the following maneuvering information, computed at normal load and normal light condition, must be available in the pilothouse:

(1) A table of shaft revolutions per minute for each knot of the vessel's speed, with a designation of the "full speed" and "half speed" used in computing the other information required by this section.

(2) The lowest constant shaft revolutions per minute at which the vessel can be steered in still water.

(3) Turning circle diagrams to port and starboard, at full and half speed, that show the time and the distance of advance and transfer required to alter the vessel's course 90 degrees with maximum rudder angle and constant shaft revolutions per minute.

(4) The approximate time and distance to stop the vessel, from full and half speed, after the application of emergency full astern power.

(R.S. 4405, as amended; 4417, as amended; 4462, as amended; sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 391, 416; 49 U.S.C. 1655(b); 35 F.R. 4959, 46 CFR 1.46(b))

Effective date. These amendments would be effective on January 1, 1974.

Dated: August 15, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-14169 Filed 8-21-72;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 24677; EDR-229]

AIR CARRIERS AND FOREIGN AIR CARRIERS

Proposed Construction, Publication, Filing and Posting of Tariffs

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 221 of its economic regulations (14 CFR Part 221), which would require that (1) air carriers and foreign air carriers submit to the Board explanations of and reasons for tariff changes and new matter in tariff publications which relate to foreign air transportation, and (2) air carriers file economic data and information in support of such tariff changes and new matter in such tariff publications.

The background and principal features of the proposed amendment are described in the attached explanatory statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 403 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 758, as amended; 49 U.S.C. 1324 and 1373).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before September 22, 1972, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

By the Civil Aeronautics Board.

Dated: August 16, 1972.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Section 221.165 of the Economic Regulations presently requires that certain explanations and data be submitted in support of tariff changes and new matter in tariff publications relating to interstate or overseas air transportation.[1] The purposes of this requirement are to explain the tariff filing and to enable the Board to determine whether a new or changed domestic tariff is economically justified. It has not heretofore been necessary to require such information to be filed in support of changes in rates for foreign air transportation because heretofore the Board has possessed no direct authority to determine the reasonableness of such rates. However, by Public Law 92–259, effective March 22, 1972 (86 Stat. 95), the Act was amended to add, inter alia, a new section 1002(j) which provides the Board with new authority to investigate the reasonableness of rates and fares in foreign air transportation and to suspend, reject, or cancel such rates and fares.[2] In order for the Board properly to exercise this new authority, it now appears necessary to amend § 221.165 to cover changes and new matter in tariffs involving foreign, as well as interstate or overseas, air transportation.

Therefore, the Board proposes to require that U.S. and foreign air carriers, when submitting tariff changes relating to foreign air transportation, submit therewith (1) an explanation of the new or changed matter and the reasons for the filing, including (if applicable) the basis of ratemaking employed and (2) a sample of rate information for pairs of points involved, showing the impact of new rates, fares, and charges. Sections 221.165 (a) and (c) presently require that this information be submitted with tariff changes for interstate or overseas air transportation.

Additionally, it is proposed to require that the supporting economic data and information described in § 221.165(b) be filed with tariff changes relating to foreign, as well as interstate or overseas, air transportation. However, we are not prepared to extend that requirement to foreign air carriers, at least until experience demonstrates the need for such filings. Since foreign air carriers do not file periodic financial and operating data with the Board, and do not maintain uniform records, it does not presently appear that the limited value of these filings would justify the burdens which they would impose on foreign air carriers. Moreover, it is not believed that such data are essential to the determination whether to suspend and investigate a particular foreign air carrier tariff, since needed data should be available from competing U.S. carrier Form 41 reports, as well as

---

[1] Interested persons might note that the Board has pending a rule making proceeding (EDR–226, dated April 20, 1972, Docket No. 24426, 37 F.R. 8093), in which it is proposed to amend sec. 221.165 so as to make clear that the submission by air carriers of economic data and information in support of tariff filings is mandatory, rather than optional, and that estimates of costs of service must be accompanied by substantiating detail and sources.

[2] The new section of the Act continues the Board's authority to investigate questions of discrimination, preference, and prejudice.

from pleadings filed in cases involving complaints.

Under the proposed rule, tariff publications filed on behalf of a foreign air carrier pursuant to a Government order will, of course, be excepted from the requirements of § 221.165(b), but it would be a significant aid in evaluating such tariff filings if the tariff publications were accompanied by a copy of the Government order. Similarly, since § 221.165(d)(1)(ii) currently excepts tariff publications filed pursuant to intercarrier agreements approved by the Board from requirements for data and examples of fare changes, it would be useful if identification of such agreements accompanied the tariff filing. We therefore are amending § 221.165(a) to require these submissions.

Since under the proposal foreign air carriers would be brought within the general requirements of § 221.165 but would not have to supply the detailed information covered by paragraphs (b) thereof, a new exception, paragraph (d)(2), is proposed to be added to the rule and the present paragraph (d)(2) would be renumbered as paragraph (d)(3).

PROPOSED RULE

It is proposed to amend Part 221 of the Board's economic regulations (14 CFR Part 221), as follows:

Amend § 221.165 to read as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

When a tariff publication is filed with the Board which contains new or changed local or joint rates, fares, or charges for air transportation, or new or changed classifications, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, the issuing air carrier, foreign air carrier, or agent shall submit with the filing of such publication, in or attached to the transmittal letter:

(a) An explanation of the new or changed matter and the reasons for the filing, including (if applicable) the basis of ratemaking employed. Where a tariff publication is filed pursuant to an intercarrier agreement approved by the Board, the explanation shall identify such agreement by CAB agreement number, IATA or ATC resolution number, or if none is designated. then by other definite identification. Where a tariff publication is filed on behalf of a foreign air carrier pursuant to a Government order, a copy of such order shall be submitted with the letter of tariff transmittal.

* * * * *

(d) Exceptions:

* * * * *

(2) The requirement for data and/or information in paragraph (b) of this section will not apply to tariff publications containing new or changed matter applicable only to foreign air carriers.

(3) The requirement for information in paragraph (c) of this section will not apply to tariff publications containing new or changed rates, fares, or charges which result from (i) uniform percentage adjustments, (ii) specific increment adjustments, or (iii) cancellation of rates, fares, or charges.

[FR Doc.72-14179 Filed 8-21-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NATIONAL AMBIENT AIR QUALITY STANDARDS

Approval and Promulgation of State Implementation Plans

Correction

In F.R. Doc. 72-11108 appearing at page 15094 of the issue for Thursday, July 27, 1972, the following changes are to be made in § 52.125(c)(1):

1. The fifth subdivision should be designated "(v)" instead of "(iv)".

2. The fifth line of subdivision (iv) should read: "ing); 2140 lbs. per hour (970 kg. per", instead of "ing); 7,220 lbs. per hour (3,275 kg. per"; and the word "ar", in the first line of that subdivision, should read "or".

VETERANS ADMINISTRATION

[38 CFR Part 3]

WAIVER OF RETIREMENT BENEFITS

Proposed Regulatory Development

The Administrator of Veterans Affairs proposes regulatory revisions in §§ 3.261(a)(15) and in 3.262(h), Title 38, Code of Federal Regulations to conform with the opinion of the General Counsel of the Veterans Administration that the language which it is proposed to remove is violative of the requirements of section 503, title 38, United States Code, and is not legally supportable.

Section 3.261(a)(15) as presently worded defines as income "Retirement pay received direct from service department (amounts waived under 38 U.S.C. 3105 are not included)". Section 3.262(h) now states in part *"Retirement benefits waived.* Except as provided in this paragraph, retirement benefits (pension or retirement payments) which have been waived will be included as income. Retirement pay from a service department which has been waived under 38 U.S.C. 3105 will not be considered in determining income". Section 3105, title 38, United States Code, provides that a person entitled to military retirement pay may receive the compensation or pension to which he is otherwise entitled under the laws administered by the Veterans Administration upon waiving so much of the retirement pay as is equal to the compensation or pension payable.

The General Counsel states that for the operation of section 3105 the annual income, computed pursuant to section 503 and the exceptions contained therein, must at the outset be within pension income limitations. The net income figure is to be used to determine the amount of pension which would be payable to the individual but for the bar in section 3104, title 38, United States Code, against concurrent receipt of pension and retirement pay. Upon the waiver of that amount of retirement pay, as authorized in section 3105, the determined amount of pension is payable without further computation. To conform with this opinion the revision set forth below is proposed.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and the above room number.

1. In § 3.261(a), subparagraph (15) is amended to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * *

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows and children)	Pension; Pub. Law 86-211 (veterans, widows and children)	See—
(a) *Income:*					
* * *	* * *	* * *	* * *	* * *	* * *
(15) Retirement pay received direct from service department.	Included....	Included....	Included....	Included....	§ 3.262(e). § 3.262(h).
* * *	* * *	* * *	* * *	* * *	* * *

2. In § 3.262, paragraph (h) is amended to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(h) *Retirement benefits waived.* Except as provided in this paragraph, retirement benefits (pension or retirement payments) which have been waived will be included as income. For the purpose of determining dependency of a parent, or eligibility of a parent for dependency and indemnity compensation or eligibility of a veteran, widow, or child for pension under laws in effect on June 30, 1960, retirement benefits from the following sources which have been waived pursuant to Federal statute will not be considered as income:

(1) Civil Service Retirement and Disability Fund;

(2) Railroad Retirement Board (see paragraph (g)(2) of this section);

(3) District of Columbia, firemen, policemen, or public school teachers;

(4) Former lighthouse service.

* * * * *

Approved: August 15, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-14173 Filed 8-21-72;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972–103]

ATTRIBUTION OF PARTNERSHIP-OWNED RENTAL UNITS

Cost of Living Council Ruling

Facts. A partnership of A and B owns four single family dwelling units which it leases. B individually owns a duplex containing two rental units which he leases.

Issue. Which of the above units are exempt from the economic stabilization regulations?

Ruling. The units owned by the partnership are exempt; the units owned individually by B are not exempt.

The economic stabilization regulations exempt single family dwelling units and rental units in multifamily dwellings, provided the owner of such units and members of his family (as defined in section 318 of the Internal Revenue Code of 1954, as amended) do not own or have an interest, directly or indirectly, in more than an aggregate of four such rental units; § 101.33(a)(2)(iv). 37 F.R. 10493 (1972).

Since no person can be related to a partnership so as to be a "member of the family" (as defined in section 318 of the Internal Revenue Code of 1954, as amended) of the partnership, and since the partnership itself owns or has an interest in only four rental units, those units are exempt.

B not only owns two units in a multifamily dwelling but also has an interest in a partnership which owns four other rental units; he therefore has an indirect interest in those four units. Thus the total number of units B owns or has an interest in, directly or indirectly, exceeds four, and the units of which he is owner are not exempt.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: August 16, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 16, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–14150 Filed 8–21–72;8:49 am]

[Pay Board Ruling 1972–64]

EFFECT OF "PREVIOUSLY SET FORTH" TEST ON MERIT PLAN

Pay Board Ruling

Facts. In June 1971, the Board of Directors at Hospital X, as part of their yearly practice of reviewing their previous year's merit plan, made certain changes in that plan for the forthcoming year. At that time, subject to these changes, the plan, as amended, was approved for the year commencing July 1, 1971. Prior to that date, on June 28, 1971, such plan was communicated to Hospital X's employees; however, at no time was any stated amount budgeted for the merit plan.

Issue. (1) Will changes made prior to November 14, 1971, in a merit plan, approved for 1971, cause such plan to fail the "previously set forth" test as defined in economic stabilization regulations, 6 CFR 201.14(b) (1972)?

(2) Will the determination that no stated amount was budgeted for the amended plan cause such plan to fail the above test?

Ruling. The answer with respect to the first issue is no. Provided such rate changes were made prior to November 14, 1971, as was the case here, they shall be allowed to take effect subject to the usual requirements of § 201.14(a).

The answer with respect to the second issue is yes. Section 201.14(b) provides that "except as provided in Subpart D of this part, for purposes of this section, a pay practice shall be 'previously set forth' only if it can be documented that prior to November 14, 1971, an adjustment * * * in the case of a merit plan, the aggregate amount to be expended was—

(1) Decided finally and formally in accordance with established procedures and

(2) Communicated to the management personnel responsible for implementing the pay adjustment or to the employees affected.

In the instant case, even though the final decision was made to implement the merit plan by the Board of Trustees in June 1971, and the decision was communicated by memorandum dated June 28, 1971, to the appropriate employee unit, Hospital X did not at any time prior to November 14, 1971, set an aggregate amount to be expended for their merit plan. Hence, the merit plan fails to qualify under the "previously set forth" test of § 201.14(b).

Note, however, this plan may still be entitled to the exception of up to 7 percent allowed for certain "successor merit plans," (see the economic stabilization regulations, 6 CFR 201.11(a)(5) (1972)). The mere fact that this plan is not entitled to 201.14 treatment will not automatically disqualify it from receiving the § 201.11(a)(5) exception.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: August 16, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 16, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–14151 Filed 8–21–72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PROPOSED BONNEVILLE UNIT, CENTRAL UTAH PROJECT

Notice of Public Hearing Regarding Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Bonneville unit of the central Utah project. The statement was filed with the Council on Environmental Quality on August 14, 1972, and is available to the public.

The draft environmental statement is available for public review in the Regional Office of the Bureau of Reclamation, Room 7223, Federal Building, 125 South State Street (Post Office Box 11568), Salt Lake City, UT 84111; the Central Utah Projects Office (Post Office Box 1338), 160 North Second West, Provo, UT 84601; or the Uintah Basin Field Division (Post Office Box 420), 11th Street and Highway No. 40, Duchesne, UT 84021. Individual copies of the statement may also be obtained without charge by writing to the above offices.

Features of the unit include 10 new reservoirs and enlargement of two existing reservoirs; more than 140 miles of aqueducts, tunnels, and canals; three powerplants; nine pumping plants; and about 200 miles of pipe drains. The unit would develop water for irrigation, municipal, and industrial use, and power production; and would provide recreation, fish and wildlife, flood control, and water quality control benefits in parts of 12 Utah counties located in the Uintah Basin and on the Wasatch Front.

A public hearing will be held in Orem, Utah, to receive comments relating to

the draft environmental statement. The hearing will be held in the auditorium of Orem Senior High School, 125 South 400 East, beginning at 2 p.m., on September 22, 1972. The hearing has been scheduled to extend through September 23, 1972.

Interested individuals, representatives of organizations, and public officials desiring to testify at the hearing are requested to contact the Regional Director of the Bureau of Reclamation at the above address or telephone 801—524–5592 before 4:30 p.m., September 18, 1972. Written comments from those unable to attend the hearing and those wishing to supplement their oral presentation at the hearing may be submitted to the Regional Director. Written statements will be accepted until October 5, 1972. All written statements received pursuant to this notice will be included in the hearing record.

Except as follows, oral testimony at the hearing will be limited to 10 minutes. Any person desiring additional time must secure prior approval. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement or which may be mailed to the Bureau of Reclamation as provided above. Each organization wishing to present testimoney will be limited to one individual unless prior approval is obtained. Approval for additional time or witnesses must be obtained from the Regional Director. All such requests must be received prior to 4:30 p.m., September 18, 1972. To the extent that time is available after presentation of oral statements by those who have given advanced notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

Dated: August 18, 1972.

W. H. KEATING,
Acting Commissioner,
Bureau of Reclamation.

[FR Doc.72-14267 Filed 8-21-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AUGUSTA, MAINE, GRAIN INSPECTION POINT

Opportunity To Make Application for Designation To Operate Official Inspection Agency

Statement of considerations. As of July 1, 1972, the Maine Department of Agriculture ceased providing official grain inspection services under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.), at Augusta, Maine. Accordingly, the designation of that agency as the official inspection agency at Augusta, Maine, is hereby terminated.

Interested organizations and persons are hereby given opportunity to make application for designation to operate an official inspection agency at Augusta, Maine, according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act.

NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) provides generally that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Augusta, Maine.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than 30 days after this notice is published in the FEDERAL REGISTER. All 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)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on August 16, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.72-14192 Filed 8-21-72;8:48 am]

Office of the Secretary

VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following counties in the State of Virginia natural disasters have caused a general need for agricultural credit:

COUNTIES

Essex.	Northumberland.
Lancaster.	Richmond.
Mathews.	Westmoreland.
Middlesex.	

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 17th day of August 1972.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.72-14193 Filed 8-21-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11723]

MEPROBAMATE AND PROMAZINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Prozine Capsules containing meprobamate and promazine hydrochloride; Wyeth Laboratories, Inc., Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 11–723).

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

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the drug is possibly effective for its labeled indications.

B. *Marketing status.* 1. Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11723, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

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

Dated: August 4, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-14147 Filed 8-21-72;8:49 am]

OVER-THE-COUNTER SEDATIVE, TRANQUILIZER, AND SLEEP AID DRUG PRODUCTS

Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972 (37 F.R. 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage forms of sedative, tranquilizer, and sleep aid drug products, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in such preparations.

FDA is aware that the following active ingredients are used in such products and has conducted a literature search on each of them.

Methapyrilene (salts).
Pyrilamine (salts).
Scopolamine (salts).
Sodium bromide.
Potassium bromide.
Ammonium bromide.

FDA's literature search on these ingredients covered the United States of America literature and other leading English language literature published since 1950 from the following sources:

Medlars (NLM and SUNY).
FDA Clinical Experience Abstracts.
Quarterly Cumulative Index Medicus.
Current List of Medical Literature.
Index Medicus.
JAMA Subject Index.
DeHaen Drugs in Use.
RINGDOC.
VETDOC.
International Pharmaceutical Abstracts.
Excerpta Medica.
Abstracts of World Medicine.
Biological Abstracts.
Chemical Abstracts.

The bibliography of the literature search is available to interested persons.

Interested persons are also invited to submit data on any other active ingredients for sedative, tranquilizer, and sleep aid drug products.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½ x 11 inches). All submissions must be in the format described below:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.

5. Pertinent medical and scientific literature.

V. Efficacy data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, and explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes all unfavorable information, as well as, any favorable information available to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product, including information derived from investigations, consumer complaints, commercial marketing, or published literature.

In order to avoid duplication, interested persons should not in their submission include published literature listed in the FDA literature search. An abstract of all such literature will be provided to the panel. Upon request the panel will be provided with the complete article. Interested persons may, of course, refer to such literature in their submissions by citation.

Submissions or requests for copies of the FDA literature search should be forwarded to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD–109), 5600 Fishers Lane, Rockville, Md. 20852.

Submission of data must be within 60 days from date of this publication. (Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371.)

Dated: August 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-14146 Filed 8-21-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Extending Completion Date

Consolidated Edison Company of New York, Inc., has filed a request, dated July 19, 1972, for an extension of the completion date specified by the Atomic Energy Commission in Provisional Construction Permit No. CPPR-62, for construction of a 3,025 megawatt (thermal) pressurized water nuclear reactor, designated as the Indian Point Nuclear Generating Unit No. 3, at the applicant's site on the Hudson River in the village of Buchanan, Westchester County, N.Y. Good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended and § 50.55(b) of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended from September 1, 1972 to March 1, 1974.

Date of issuance: August 14, 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-14134 Filed 8-21-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24236; Order 72-8-69]

ALLEGHENY AIRLINES, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of August 1972.

Allegheny Airlines, Inc. (Allegheny) filed an application (Docket 24236) to (1) delete Marion, Ind., from its certificate of public convenience and necessity for route 97, and (2) redesignate Muncie-Anderson-New Castle, Ind., a point on segment 9, as Muncie-Marion-Anderson-New Castle, Ind. In addition, Allegheny filed (1) a motion seeking issuance of an order to show cause why its certificate should not be amended as requested; and (2) an application to suspend service temporarily at Marion, Ind., if necessary, until the Board acted upon its application in Docket 24236.[1]

An answer in opposition was filed by the city of Marion requesting a hearing on Allegheny's application. No other answers were filed. Subsequently, the Board, by Order 72-4-51, dated April 12, 1972, denied the motion of Allegheny for an order to show cause and set for hearing Allegheny's application.

Thereafter, the city of Marion filed a motion to withdraw its answer in opposition to Allegheny's application to delete Marion, Ind., from its certificate.

Allegheny filed a motion to vacate Order 72-4-51, dated April 12, 1972, insofar as that order set for evidentiary hearing Allegheny's application in the above-captioned proceeding. In addition, Allegheny has filed an amendment to its original application to eliminate its request to redesignate Muncie-Anderson-New Castle, Ind., as Muncie-Marion-Anderson-New Castle, Ind., to conform to the views orally expressed by the Marion Board of Aviation Commissioners.

Upon consideration of the pleadings and all the relevant facts, including the motion of the city of Marion to withdraw its answer, we have decided to issue an order to show cause proposing to amend Allegheny's certificate as requested. We tentatively find and conclude that the public convenience and necessity require the amendment of Allegheny's certificate for route 97 so as to delete Marion, Ind., therefrom.

In support of our ultimate findings, we tentatively conclude as follows: traffic generation at Marion has decreased from a high of 8.7 passengers per day in fiscal year 1966 to a low of 3.6 passengers per day in 1971;[2] Marion is not isolated as there are four other airports serving the area;[3] and our own assessment of Allegheny's expense and financial results for the forecast year (1972) indicates that a reinstitution of certificated service by Allegheny to Marion would result in an operating loss of approximately $88,000 and a subsidy need increase of approximately $109,000 or approximately $27 per passenger according to Subpart K methodology.[4]

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of facts or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Allegheny's certificate of public convenience and necessity for route 97 so as to delete Marion, Ind., therefrom;

2. Any interested persons having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after the service of a copy of this order, file with the Board, and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the city of Marion; Airport Manager, Marion Airport; the State of Indiana; the Indiana Aeronautics Commission; Allegheny Airlines, Inc.; and the Postmaster General, who are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-14180 Filed 8-21-72;8:47 am]

[1] By order 69-11-8, dated Nov. 4, 1969, the Board temporarily suspended Allegheny's service at Marion, Ind., for a period of 5 years on a condition that a replacement air taxi operator provide at least two daily round trips between Marion and Chicago. Air Wisconsin, the air taxi presently providing the replacement service, had expressed its intention to cease its operations at Marion on Apr. 1, 1972. However, Allegheny has stated that Air Wisconsin will continue to serve Marion pending the disposition of the present application.

[2] In 1970, Marion averaged 5.6 passengers per day each way and in 1971, 3.6 passengers each way or 1.8 each departure.

[3] In mileage and driving times from Marion, the airports are as follows: Muncie is 35 miles and 45 minutes driving time, Kokomo is 23 miles and 28 minutes driving time, Fort Wayne is 50 miles and 1 hour driving time, and Indianapolis is 66 miles and 1 hour and 10 minutes driving time.

[4] We also tentatively find that the carrier is fit, willing, and able properly to perform the proposed transportation and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[Docket No. 18401; Order 72-8-72]

SERVICE TO OMAHA AND DES MOINES CASE

Order of Remand

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of August 1972.

By Order 70-7-24, the Board, inter alia, awarded American Airlines a new San Francisco-Omaha-Des Moines-New York segment and granted Trans World Airlines a new Los Angeles-Omaha-Des Moines-Washington segment. By Order 70-9-26, September 4, 1970, the Board stayed the effectiveness of these awards and deferred action on petitions for reconsideration challenging its findings with respect to service between (a) Omaha and Des Moines, on the one hand,

and Los Angeles, San Francisco/Oakland/San Jose, New York/Newark and Washington/Baltimore, on the other, and (b) Omaha and Des Moines, on the one hand, and Chicago, on the other, in conjunction with a transcontinental award. In the same order, the Board imposed a temporary restriction on Eastern Air Lines' authority between Omaha and certain east coast points (i.e., Washington and points north or east thereof on Route 5), to expire 60 days after our decision finally disposing of the petitions for reconsideration referred to earlier.

The Board has now decided to reopen the record with respect to these deferred issues, including the temporary restriction imposed on Eastern's Omaha-east coast authority, and to remand them for further evidentiary hearings and an initial decision by an examiner. The existing record—with 1967 as the base year and 1970 as the forecast year—is clearly too stale to permit a decision on the merits without further evidentiary proceedings. In addition, the normal growth rates adopted by the examiner on the basis of 1964–67 historical experience appear to be too optimistic in light of more recent traffic trends. New record evidence is therefore desirable. Accordingly, we will rescind our prior awards to American and TWA, as well as the findings which supported those awards and our conclusions as to Omaha/Des Moines-Chicago long-haul service.

We expect the various applicants to submit detailed revised service proposals and financial projections based on the most recent available traffic and cost data.

We have also decided to eliminate in the remanded proceeding three pretrial restrictions which complicated earlier consideration of the case: (1) A requirement that all transcontinental flights pursuant to new authority awarded in this proceeding should serve both Omaha and Des Moines, (2) a two-stop restriction on flights between the named costal terminals (i.e., Los Angeles and San Francisco; Washington and New York) and various other terminals,[1] and (3) a restriction against the award of new all-cargo authority also in issue in "The Flying Tiger Line, Additional Points Case," Docket 18388.

In our judgment, these restrictions are no longer either necessary or desirable. The first pretrial condition would make it difficult for the carrier or carriers selected for a transcontinental award to compete effectively against United, which has unrestricted authority in the Omaha-east and Des Moines-west markets at issue and is not required to serve both of the Midwest points on transcontinental routings. The second pretrial condition is unnecessary because the heavy volume of nonstop frequencies in these markets precludes the possibility that one-stop service can constitute effective competition. Finally, the all-cargo restriction was imposed because of the pendency of the "Flying Tiger" case. Since that case has now been decided, the restriction is no longer necessary.[2] Of course, the parties remain free to demonstrate the need for these or any other restrictions at the hearing.

In short, we will retain only two of the pretrial restrictions on remand—namely, that any new award will be in the form of a separate segment, and that any new authority in the Omaha-Des Moines or Omaha/Des Moines-Chicago markets will be subject to a long-haul restriction.

Accordingly, it is ordered, That:

1. The amended certificates issued to American Airlines for Route 4 and to Trans World Airlines for Route 2 pursuant to Order 70–7–24, and the findings upon which the issuance of said certificates was based, be and they hereby are rescinded.

2. The issues deferred by Order 70–9–26 be and they hereby are reopened and remanded to an examiner for further evidentiary hearings and the issuance of an initial decision on the issues specified in paragraph 3, below.

3. The issues on remand shall be:

(a) Whether the public convenience and necessity require additional nonstop service between (i) Omaha and Des Moines, on the one hand, and Los Angeles, San Francisco/Oakland/San Jose, New York/Newark, or Washington/Baltimore, on the other, and between (ii) Omaha and Des Moines, on the one hand, and Chicago, on the other, in conjunction with an Omaha/Des Moines coastal market award;

(b) Which carrier or carriers, if any, should be selected to provide such service;

(c) Whether the public convenience and necessity require the designation of a specific airport or airports through which any or all of the coastal terminal points named in subparagraph (a) (i) above shall be served; and

(d) Whether the public convenience and necessity require the imposition of a restriction prohibiting Eastern Air Lines from operating single-plane service between Omaha, on the one hand, and Washington, D.C., or points north or east thereof on Route 5, on the other.[3]

4. Any authority awarded in the remanded proceeding shall be subject to the following terms, conditions, and limitations:

(a) Such authority shall, except in the case of a carrier already holding on-segment authority in a particular market, be in the form of a new segment or segments, each such segment to include:

(i) Omaha, Des Moines, and one or more of the coastal terminal points named in paragraph 3(a)(i), above; or

(ii) Omaha, Des Moines, or both, and Chicago;[4]

(b) All flights operated pursuant to such authority shall serve (i) Omaha or Des Moines, or both, plus at least one of the coastal terminal points named in paragraph 3(a)(i), or (ii) Omaha or Des Moines, or both, and Chicago, plus a point or points east of Chicago or west of Omaha.

5. All parties to the original proceeding shall be parties to the reopened and remanded proceeding.

6. Petitions for reconsideration may be filed no later than 20 days after the date of service of this order, and answers to such petitions may be filed no later than 10 days thereafter; additional or amended applications conforming to the scope of the remanded proceeding, together with motions to consolidate such applications for hearing and decision herein, shall be filed within 30 days of the date of service of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-14181 Filed 8-21-72;8:47 am]

[1] Specifically, this two-stop restriction was applicable to service (a) between Los Angeles or San Francisco/Oakland/San Jose, on the one hand, and Chicago, Kansas City, Minneapolis/St. Paul, or St. Louis, on the other, and (b) between New York/Newark or Washington/Baltimore, on the one hand, and Denver, Kansas City, Minneapolis/St. Paul, Seattle, or Portland, on the other.

[2] See Order 71-11-33, November 8, 1971. We will entertain timely motions to consolidate herein those applications for all-cargo authority to and from Omaha that were deferred by our decision in the Flying Tiger case. Those of the deferred applications which are not consolidated herein will be dismissed.

[3] Condition (16) of Eastern's certificate for Route 10 will remain in effect until after our final decision on this issue in the remanded proceeding. Thus, for purposes of the proviso to condition (16), we do not interpret the present order as finally disposing of the petitions for reconsideration of Order 70-7-24 in Docket 18401.

[4] In the interest of greater decisional flexibility, we have decided to consider applications for new authority to operate Omaha-Des Moines-Chicago flights (subject to a long-haul restriction). Such applications were outside the scope of the original proceeding, where Omaha-Chicago and Des Moines-Chicago awards were required to be on separate segments. As noted in paragraph 3(a), any Omaha-Des Moines-Chicago award will be made only in conjunction with an Omaha/Des Moines coastal market award.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality August 7 to August 11, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803.

FOREST SERVICE

Draft, August 8

Coeur d'Alene National Forest, Idaho, Counties: Kootenai, Shoshone, and Bonner. The statement refers to a 3-year road building program for the Forest under which 85 miles of new road will be constructed and 117 miles of existing road will be reconstructed. The program will facilitate the harvesting of timber. The soil mantle will be disturbed; hunting and fishing pressures will increase; 30 acres of big game range will be permanently lost; 863 acres will be stripped of vegetative cover. (32 pages) (ELR order No. 05056) (NTIS Order No. EIS 72 5056D)

Draft, August 9

Lolo National Forest, Mont., County: several. The statement refers to a 3-year road building program for the Forest. The construction of 330 miles of new roadway and the reconstruction of 270 miles of existing roadway are involved, primarily in relation to the Lolo National Forest Timber Management Plant. Approximately 1,500 acres would be cleared of vegetative cover, 40 percent of it permanently. The soil mantle will be disturbed and subsurface flow of water will be interrupted. Some big game range will be permanently lost; increased hunting and recreation pressures will develop with improved transportation. (23 pages) (ELR Order No. 05054) (NTIS Order No. EIS 72 5054D)

Flathead National Forest, Mont., County: several. The statement refers to a 3-year road program which will complement the Timber Management Plan for the Forest. Approximately 163 miles of new roadway will be constructed, and 75 miles of existing roadway will be reconstructed. Approximately 1,400 acres will be stripped of vegative cover, 40 percent of it permanently. Increased hunting and recreation pressures will develop, and an unspecified amount of big game habitat will be lost. Temporary air pollution will occur with the burning of debris. (29 pages) (ELR Order No. 05055) (NTIS Order No. EIS 72 5055D)

Kaniksu National Forest, Washington, Montana and Idaho. The statement refers to the implementation of the 10-year Timber Management Plan for the Forest. The plan involves the construction of roads and the harvesting of timber in the 1,600,000 acre forest. Adverse impact will include effects upon soil, air, and water, aesthetics and wildlife. (34 pages) (ELR Order No. 05053) (NTIS Order No. EIS 72 5053D)

Final, August 9

Lake Keokee, Jefferson National Forest, Va., County: Lee. The statement considers the construction of a 100 acre lake on the North Fork of the Powell River. The lake would be managed for the production of large mouth bass, bluegill, channel catfish, and red ear sunfish. Approximately 1.3 miles of stream and 100 acres of wildlife habitat would be lost to the action. (18 pages) Comments made by: EPA (ELR Order No. 05057) (NTIS Order No. EIS 72 5057F)

SOIL CONSERVATION SERVICE

Draft, August 9

Nescopeck Creek Watershed, Pennsylvania, County: Luzerne. The statement refers to the watershed protection and flood protection project for the 50,880-acre watershed. Land treatment measures will be used on 11,500 acres in order to control erosion and reduce stream sedimentation; special measures will be used on 360 severely eroded acres; an 830-acre recreation lake will be created. Approximately 3,500 acres of land, along with 28 residences, 3 farms, and 2 businesses will be acquired for the project. Five miles of trout stream and 830 acres of wildlife habitat will be inundated. (18 pages) (ELR Order No. 05047) (NTIS Order No. EIS 72 5047D)

Horse Range Swamp Watershed, South Carolina, County: Orangeburg. The statement refers to the use of land treatment measures on the watershed, and 25 miles of stream channel enlargement. The purposes of the action are the reduction of flooding and the improvement of drainage. Approximately 214 acres will be committed to the project. (19 pages) (ELR Order No. 05046) (NTIS Order No. EIS 72 5046D)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973–5391.

For regulatory matters: Mr. A Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, 202—973–7373, Washington, D.C. 20545

Final, August 8

Fort St. Vrain Nuclear Generating Station, Colo., County: Weld. The statement refers to the issuance of a license to the Public Service Co. of Colorado for the startup and operation of the station. An 842 MWt, 330 MWe high-temperature gas cooled reactor will be employed; makeup water for a mechanical draft cooling tower will be drawn from St. Vrain Creek and the South Platte River. In dry years approximately 1,500 acres of land may be retired from irrigated farming in order to supply the station's cooling towers. Approximately 1,000 curies of radioactivity in gaseous wastes and 0.04 curie in liquid waste will be released to the environs annually. (288 pages) Comments made by: USDA, DOC, COE, EPA, FPC, HEW, DOI, and DOT (ELR Order No. 05041) (NTIS Order No. EIS 72 5041F)

DEPARTMENT OF DEFENSE, ARMY

Contact: Mr. George 9. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202—694–4269.

Final, August 11

Project Diamond Ore, Montana. The statement refers to proposed high explosive cratering experiments known collectively as Diamond Ore. Phases 11B and 11C of Diamond Ore, planned for the fall of 1972 and the summer of 1973, respectively use chemical high explosives (HE) to simulate nuclear energy source cratering. Craters produced by the explosions will vary in depth from 25 feet to 30 feet, and in radius from 52 feet to 62 feet. Present plans call for backfilling and reseeding the cratered area. (100 pages) Comments made by: USDA, EPA, and DOI (ELR Order No. 05068) (NTIS Order No. EIS 72 5068F)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, August 7

Hays Flood Protection Project, Kansas. The statement refers to the proposed construction of a flood protection project which consists of channel realignment of 1.5 miles of Big Creek and the improvement of the levee system around Hays. Riparian wildlife habitat would be lost; archeological and historical sites would be adversely affected; and modifications to an oxbow on the campus of Fort Hays Kansas State College could create stagnant water conditions. (63 pages) (ELR Order No. 05034) (NTIS Order No. EIS 72 5034D)

Draft, August 10

Mayfield Creek, Ky. The statement refers to the snagging and cleaning of the main stem of Mayfield Creek, the enlargement of a 20-mile section, and the construction of levees on a 5-mile section. The purpose of the action is that of flood control. Approximately 2,800 acres of wildlife wetland habitat will be lost to the project. An additional 2,300 acres of wetland will be developed in order to enhance fish and wildlife; there will, however, be a net biological loss. (108 pages) (ELR Order No. 05065) (NTIS Order No. EIS 72 5065D)

Draft, August 9

Neuse River, N.C., County: Craven. The statement considers the dredging of a commercial navigation channel 12 feet deep and 120 feet wide for 9 miles on the Neuse River. Aquatic life will be disturbed by dredging and 47 acres of wildlife habitat will be lost to spoil deposit. (19 pages) (ELR Order No. 05049) (NTIS Order No. EIS 72 5049D)

Echo Bay Harbor, N.Y. The statement refers to proposed modifications to the harbor which would enhance recreational boating. Dredged spoil would be deposited in Long Island Sound. Temporary turbidity will affect marine biota. (14 pages) (ELR Order No. 05048) (NTIS Order No. 72 5048D)

Final, August 11

Crude Oil and Natural Gas, Texas. The statement refers to the continued issuance of permits for the erection of structures associated with exploration for, and production of, crude petroleum and natural gas within the coastal waters, lagoons, and estuaries of Texas. Major oil spills would create hazards to public health, recreational areas, and marine biota. Large concentrations of well structures could pose a navigation hazard. (206 pages) Comments made by: USDA, EPA, DOC, and DOI (ELR Order No. 05069) (NTIS Order No. EIS 72 5069F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington D.C. 20460, 202—755–0940.

Draft, August 8

Wastewater Treatment, Hot Springs, Ark., County: Garland. The statement refers to proposed Federal assistance, in the amount of $10,569,000, to aid in the construction of wastewater transportation and treatment facilities. New 20 MGD capacity biological/chemical facilities, with advanced wastewater treatment processes, outfall lines, lift stations, and sanitary sewer interceptors would be included; rehabilitation of the existing sewer network is also contemplated. Adverse effects would include construction disruption, noise, odor, and unsightliness. (199 pages) (ELR Order No. 05042) (NTIS Order No. EIS 72 5042D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343-3891.

NATIONAL PARK SERVICE

Draft, August 7

Carlsbad Caverns National Park, N. Mex. The statement considers the construction of a new sewage treatment system for the national park. There will be some adverse visual impact. (22 pages) (ELR Order No. 05036) (NTIS Order No. EIS 72 5036D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street, SW., Washington, DC 20590, 202—426-4355.

FEDERAL AVIATION AGENCY

Final, August 9

Ponca City Municipal Airport, Okla. The statement refers to the development of airport facilities, including the extension of an existing 150' x 4800' N/S runway to 150' x 6,200', installation of MIRL and VASI, etc. Approximately 138 acres will be acquired for the project. Noise levels will increase with an increase in business-jet usage. (58 pages) Comments made by: COE, EPA, HEW, DOI, and DOT (ELR Order No. 05050) (NTIS Order No. EIS 72 5050F)

Final, August 10

Meacham Field, Tex. The statement refers to the acquisition of land, surfacing of of an 150' x 7,500' runway, installation of HIRL, construction of taxiways and aprons, etc. The new facilities are being constructed at Meacham in anticipation of the closing of Fort Worth's other airport in 1973. Approximately 88.7 acres are being committed to the project. (103 pages) Comments made by: USDA, DOC, EPA, HEW, DOI, and DOT (ELR Order No. 05064) (NTIS Order No. EIS 72 5064F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, August 10

Eagle River Road, Alaska. The statement considers the reconstruction of F.A.S. Route S-0550 within the Greater Anchorage Area Borough. The proposed improvement consists of rebuilding the existing roadway and providing a paved two-lane facility and a separate bicycle path. Approximately 6.5 acres of section 4(f) land from the Chugach State Park will be encroached upon. (43 pages) (ELR Order No. 05066) (NTIS Order No. EIS 72 5066D)

Draft, August 7

FA Route 403, Illinois, County: Whiteside. The statement is a study of the alternate corridors to contain a four-lane, fully access-controlled freeway from the east bank of the Mississippi River to FA Route 403. The amount of land required and the number of displacements will depend upon the alternative chosen. (75 pages) (ELR Order No. 05039) (NTIS Order No. EIS 72 5039D)

S.R. 44, Nebraska. County: Buffalo and Kearney. The statement considers the proposed relocation of a segment of Nebraska Highway No. 44 and a new bridge spanning the Platte River. Project length is approximately 1.3 miles. An unspecified amount of land will be required for right-of-way; water pollution and siltation may occur. (16 pages) (ELR Order No. 05040) (NTIS Order No. EIS 72 5040D)

Draft, August 9

Tijeras Canyon Projects (I-40), N. Mex. County: Bernalillo. Four projects to complete the remaining link of I-40 through Tijeras Canyon are encompassed in this statement. Total project length is 12 miles; 459 acres are required for new right-of-way. Twenty acres of section 4(f) land will be taken from Cibola National Forest. 72 families and 11 businesses will be displaced. The water quality in the canyon may be degraded. (163 pages) (ELR Order No. 05063) (NTIS Order No. EIS 72 5063D)

Draft, August 7

Interstate 687, New York. County: Albany. The proposed project consists of the construction of the Albany-Crosstown Extension (I-90 to I-687); the Northside-Northway Connection, Interstate 687 (Route I-90 to I-87); and the Albany-Schenectady Route (I-87 to Route 155). Approximately 43 to 48 families and 10 to 14 families will be displaced. Section 4(f) land from an area designated as future park land may be required. (142 pages) (ELR Order No. 05037) (NTIS Order No. EIS 72 5073D)

Legislative Route 1003, Section 3, Pennsylvania, County: Erie. The statement considers the construction of four-lane L.R. 1003 (Interstate 79) from the 26th Street interchange to the 12th Street interchange. The amount of land required and the number of displacements will depend upon the route taken. (68 pages) (ELR Order No. 05038) (NTIS Order No. EIS 72 5038D)

Draft, August 8

L.R. 1022 (Traffic Route 219 relocated), Pennsylvania, County: Several. The statement considers the proposed construction of L.R. 1022 (Traffic Route 219 relocated). The portion of T.R. 219 involved requires the construction of a four-lane, limited access highway beginning between Hastings and Barnesboro on S.R. 11409, Cambria County; continuing through Jefferson, Elk, and Indiana Counties to T.R. 153, Clearfield County. Project length is approximately 50 miles. An unspecified amount of land will be required for right-of-way. Temporary turbidity, sedimentation of streams, dust, increased noise level, and soil erosion will occur during construction. (84 pages) (ELR Order No. 05043) (NTIS Order No. EIS 72 5043D)

Legislative Route 1021, Spur B, Pennsylvania, County: Butler. The proposed project is the construction of approximately 2 miles of two-lane highway between I-79 and U.S. 422 in Muddy Creek Township. Section 4(f) land from Moraine State Park may be encroached upon. Temporary siltation, noise, and air pollution will occur during construction; 20 acres of wildlife cover will be lost. (38 pages) (ELR Order No. 05044) (NTIS Order No. EIS 72 5044D)

Draft, August 9

L.R. 40047, Section B03, Pennsylvania, County: Luzerne. The statement considers the relocation of 1.47 miles of L.R. 40047 through open undeveloped land. Sixteen families will be displaced by the action. Strip mine holes would be backfilled and spoil banks removed in conjunction with the proposed construction. (32 pages) (ELR Order No. 05051) (NTIS Order No. EIS 72 5051D)

Northside-Southwest Freeway (I-35W), Texas, County: Tarrant. The statement considers the proposed construction of 17.5 miles of six-lane freeway connecting I-35W and State Highway 121 with Loop I-820 in urban Fort Worth. Approximately 1,100 acres will be required for right-of-way; 433 families, 196 businesses, and eight nonprofit organizations will be displaced. Section 4(f) and other public land will be encroached upon. (38 pages) (ELR Order No. 05059) (NTIS Order No. EIS 72 5050F)

Draft, August 10

State Highway 31, Texas, Counties: Hill and Navarro. The project is the proposed construction of two additional lanes to form a four-lane divided noncontrolled access facility for State Highway 31. Project length is 21.5 miles. Eleven families, five businesses, and one nonprofit organization will be displaced; 222 acres will be required for right-of-way. (12 pages) (ELR Order No. 05067) (NTIS Order No. EIS 72 5067D)

Final, August 9

Richardson Highway, Alaska. The project is planned to reconstruct the Richardson Highway between mile 6 and mile 65 to modern highway standards. A 4(f) statement has been filed because the highway passes through the proposed Keystone Canyon State Park. Additional land will be acquired to provide a uniform 300-foot right-of-way. (80 pages) Comments made by: EPA, DOI, and DOT (ELR Order No. 05060) (NTIS Order No. EIS 72 5060F)

Illinois Route 16 (F.A. 17), Illinois, County: Shelby. The statement refers to the reconstruction of 14.5 miles of highway, from two to improved two- and four-lane widths. Adverse effects will include the displacement of 26 residences and five businesses; the removal from production of 180 acres of agricultural land; and the acquisition of 8 acres of 4(f) land. (56 pages) (ELR Order No. 05059) (NTIS Order No. EIS 72 5059F)

Toledo Downtown Distributor (S.R. 112), Ohio, County: Lucas. The proposed project is the construction of a 0.9-mile section of limited access highway starting at I-75 and extending across a portion of Toledo to end in two downtown exit ramps and one entrance ramp. Four family units, 33 one-room units in a transient hotel and several businesses will be displaced. (42 pages) Comments made by: (ELR Order No. 05058) (NTIS Order No. EIS 72 5058F)

State Route 68, Tennessee, County: Meigs and McMinn. The reconstruction of State Route 68 from Bogge Crossroads to a point near the I-75 Interchange is considered in this statement. Additional right-of-way will be acquired; nine residences and one business will be displaced. (49 pages) Comments made by: UDSA, ARC, CORE, DOI, TVA, and DOT (ELR Order No. 05062) (NTIS Order No. EIS 72 5062F)

U.S. 41, Wisconsin, County: Winnebago. The statement considers a proposal to close access to U.S. 41 except at interchanges, by the construction of frontage roads. An interchange with the proposed Tri-county Expressway (Little Lake Butte Des Morts Crossing) and upgrading of the interchange with CTH "BB". Eight homes will be displaced by the action. (38 pages) Comments made by: USDA, EPA, HEW, HUD, DOT, and DOI (ELR Order No. 05061) (NTIS Order No. EIS 72 5061F)

DEPARTMENT OF THE TREASURY

Contact: Mr. Donald L. Ritger, Office of the General Counsel, Room 3014, Washington, D.C. 20220, 202—964-504.

Draft, August 9

U.S. Mint, Denver, Colo. The statement considers the construction of several buildings (totaling 700,000 square feet) comprising the new Denver Mint. The buildings will displace 4 businesses and 20 residences. The proposed site is on a flood plain, an incidence which would have serious implications if the Chatfield Dam on the South Platte River were not completed as scheduled. (20 pages) (ELR Order No. 05045) (NTIS Order No. EIS 72 5045D)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-14165 Filed 8-21-72;8:48 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-43]

MILITARY SEALIFT PROCUREMENT SYSTEM

Proposed Rate Criteria

For some time the Federal Maritime Commission has been concerned with the level of rates bid pursuant to the Military Sealift Procurement System by common carriers by water subject to its jurisdiction and, as a result thereof, has been involved in a number of cases concerning the question of whether these rates are so low as to be detrimental to the commerce of the United States within the meaning of section 18(b)(5) of the Shipping Act, 1916. The Commission, along with other governmental agencies and industry representatives has recently participated in the Sealift Procurement and National Security Study (SPANS), a purpose of which was to identify the proper and best military sealift procurement program for the future. Among its recommendations, the SPANS study suggests that the Federal Maritime Commission establish a criterion by which it may determine the level at which rates for the carriage of military cargo become detrimental to the commerce of the United States.

The SPANS study and its recommendations nothwithstanding, this Commission has been charged by Congress with assuring that all rates in the foreign commerce of the United States do not fall so low as to be detrimental to that commerce. In the past, on the few occasions the Commission has addressed itself to rates which are so low as to be detrimental, it has done so on a case-by-case basis.

On the basis of the foregoing, the Commission is considering establishing the criterion to determine the level below which rates would be deemed to be detrimental to commerce of the United States within the meaning of section 18(b)(5) of the Shipping Act, 1916. The movement of military cargo and the rates applicable thereto are sufficiently significant to warrant this type of prospective rule-making determination.

Therefore, it is ordered, That pursuant to sections 43 and 18(b)(5) of the Shipping Act, 1916, the Federal Maritime Commission enter upon the proposed rulemaking proceeding to establish, in specific and generally recognized accounting terms, the definition of "detrimental to the commerce" as it relates to rates for movement of military cargo on U.S.-flag vessels; and

It is further ordered, That interested persons address their comments to which of the following criteria should be adopted for determination of the level of rates below which rates will be considered to be detrimental to the commerce of the United States:

1. Cash Flow Operating Cost—All direct costs and a proper share of indirect (overhead, etc.) costs applicable to military cargo, but excluding vessel, container, chassis, and barge interest and depreciation;

2. Cash Flow Cost—Cash flow operating cost but including vessel, container, chassis, and barge interest;

3. Fully Distributed Cost—Cash flow operating cost but including vessel, container, chassis, and barge depreciation;

4. Reasonable Profit—Fully distributed cost plus a reasonable return based on assets used in the movement of military cargo; or

5. Any other criteria as may be proposed in specific and clearly defined accounting terms; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER; and

It is further ordered, That all interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 11, 1972, an original and 15 copies of their views and arguments pertaining to the subject of this proposed rule making proceeding. All suggestions or comments should include the specific language thought necessary to accomplish the recommended result and arguments in support thereof. Hearing Counsel shall answer said comments on or before September 25, 1972, by serving an original and 15 copies on the Secretary, Federal Maritime Commission, and one copy to each party who filed written comments. An original and 15 copies of replies, if any, to Hearing Counsel's comments shall be served on the Secretary, Federal Maritime Commission, on or before October 2, 1972;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be published in the FEDERAL REGISTER, and in addition be mailed directly to all persons filing comments in accordance with the procedures ordered above, and to all other persons who notify the Secretary, Federal Maritime Commission, of their desire to receive such notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc. 72-14172 Filed 8-21-72;8:49 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Formation of Bank Holding Company

American Bancorporation, Los Angeles, Calif., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 50.1 percent or more of the voting shares of Ranchers Bank, Quartz Hill, Calif. 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 San Francisco. 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 5, 1972.

Board of Governors of the Federal Reserve System, August 15, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14135 Filed 8-21-72;8:45 am]

CHASE MANHATTAN CORP.

Order Approving Acquisition of Bank

The Chase Manhattan Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Chase Manhattan Bank of Central New York (National Association), Syracuse, N.Y. (Bank), a proposed new bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the second largest banking organization in New York in terms of domestic deposits, controls two subsidiary banks with aggregate deposits of approximately $13.6 billion, representing 14.1 percent of the total deposits in commercial banks in the State. (Unless otherwise noted, deposit data are as of December 31, 1971, and market data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board through June 16, 1972.) Since Bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area.

Bank will be located in downtown Syracuse, and will represent the initial entry by applicant into the upstate New York markets. Applicant's two existing subsidiaries are presently barred from branching into the Syracuse market until statewide branching becomes effective on January 1, 1976. Applicant's closest banking office is located about 250 miles southeast of Bank. Applicant's acquisition of Bank would have a procompetitive effect by introducing a new competitor into the highly concentrated

Syracuse banking market, where four of the 11 banks competing in that market control over 90 percent of total market deposits. Applicant's entry into this market should stimulate competition without having adverse effects on any competing bank.

The financial condition, management, and prospects of applicant and its subsidiary banks are regarded as satisfactory. Since Bank will be able to draw on applicant's financial and managerial resources, its prospects are favorable and the banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend weight toward approval as Bank will provide an additional source of full banking services. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

Applicant owns two nonbanking subsidiaries, Berkeley Service Corp., Boston, Mass., and Dovenmuehle, Inc., Chicago, Ill., which were acquired on June 4, 1969, and on December 19, 1969, respectively. Berkeley Service Corp. is a service agency for the Shapiro Factors Division of the Chase Manhattan Bank, and Dovenmuehle, Inc., is a mortgage servicing company. The approval herein neither provides authority to applicant to continue in the nonbank activities nor to retain nonbank shares nor requires the applicant to modify or terminate said activities or holdings. However, consummation of the proposal herein is subject to the continuing authority of the Board to require modification or termination of such activities or holdings (within a period no shorter than 2 years), if the Board determines that the continued combination of banking and nonbanking interests is likely to have an adverse effect on the public interest.

The provision of any credit, property, or services by the holding company or any affiliate thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Amendments of 1970. The nonbanking activities of applicant shall not be altered in any significant respect from those engaged in at the time of the filing of the application herein nor shall they be provided at any location other than as described in said application, except upon compliance with the procedures of § 225.4(b)(1) of Regulation Y; and no merger, or consolidation, or acquisition of assets other than in the regular course of business, to which applicant or any affiliate thereof is a party, shall be consummated without prior Board approval.

On the basis of the record,[1] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after that date, and (c) Chase Manhattan Bank of Central New York (National Association), Syracuse, N.Y., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 10, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14136 Filed 8-21-72;8:45 am]

[1] Concurring statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

INVESTORS EQUITY, INC.

Notice of Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act (12 U.S.C. 1841(g)(3)), by Investors Equity, Inc. (Investors), Des Moines, Iowa, a registered bank holding company, for a determination that Investors is not in fact capable of controlling Richard Fait, F. M. Rosemore, and C. L. Anderson, all of Sioux Falls, S. Dak., to whom Investors has sold 9,900 shares of Bankers Equity Corp., Des Moines, Iowa (Bankers Equity), a registered bank holding company that controls Palo Savings Bank, Palo, Iowa.

Inasmuch as section 2(g)(3) of the Act requires that any determination thereunder be made only after opportunity for hearing:

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received on or before September 18, 1972. The request for hearing should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board will subsequently designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferees, and all persons who have requested a hearing. In the absence of a request for hearing, the Board will proceed with consideration of the requested determination on the basis of documentary evidence filed in connection with the application.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

By order of the Board of Governors, August 15, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14137 Filed 8-21-72;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-151]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric energy service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Georgia Public Service Commission (Docket No. 19384) in a proceeding involving a rate increase for services provided by the Savannah Electric and Power Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 15, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-14145 Filed 8-21-72;8:45 am]

NONWOVEN, DISPOSABLE BEDSHEETS

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an industry specification development conference in connection with proposed Federal specification DDD-S-1675, sheet, bed, nonwoven, disposable.

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specification to: (1) Promote mutual understanding by both the Government and industry of the Government's technical requirements for the

items and (2) enhance the quality of the products shipped to the Government. It will be open to all those in the private sector who have an interest or concern for these matters, and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on September 14, 1972, at 9:30 a.m., Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, VA. Anyone who wants to attend or desires further information should contact Mr. Joseph F. Lawless, General Services Administration, Federal Supply Service, at telephone number (area code 703) 557-7866 or write General Services Administration (FMSF), Washington, D.C 20406.

Issued in Washington, D.C., on August 9, 1972.

M. S. MEEKER,
Commissioner.

[FR Doc.72-14144 Filed 8-21-72;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

MINNESOTA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Minnesota, dated August 2, 1972, and published August 8, 1972 (37 F.R. 15957), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 1, 1972:

The counties of:

Benton. Chisago.

Dated: August 17, 1972.

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

[FR Doc.72-14195 Filed 8-21-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5227]

ALLEGHENY POWER SYSTEM, INC., ET AL.

Notice of Proposed Sale and Lease Back of Pollution Control Equipment

AUGUST 15, 1972.

Notice is hereby given that Allegheny Power System, Inc., 320 Park Avenue, New York, NY 10022, a registered holding company, and three of its electric utility subsidiary companies, Monongahela Power Co., the Potomac Edison Co., and West Penn Power Co. (collectively referred to as the Companies) have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 9 and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

The Companies are engaged in building the Harrison Steam Electric Generating Station (Harrison Station) located in Harrison County, W. Va. Presently, the Harrison Station is owned by the Companies, as tenants in common, Monongahela 25 percent, Potomac Edison 25 percent, and West Penn 50 percent.

Harrison Station will consist of three 600,000 kw. power units, the first of which is expected to be in commercial operation in December 1972, the second in 1973, and the third in 1975. As a part of Harrison Station the Companies are also engaged in constructing certain air and water pollution control equipment including electrostatic precipitators, cooling towers, lagoons and dams, and associated equipment. As of June 30, 1972, the Companies' construction cost for the pollution control equipment amounted to $16 million.

The Companies propose to sell all of their rights, title, and interest in the pollution control equipment to the County Court of Harrison County, W. Va. (County Court). The County Court will acquire the pollution control equipment for cash in an amount equal to the total cost (including all appropriate overheads) incurred by the Companies on their books on the closing date; and the County Court will complete construction of the pollution control equipment, provided that the aggregate total acquisition and construction cost of the equipment does not exceed $25 million. In the event the total cost exceeds $25 million the Companies will complete the construction at their own expense. Funds for the acquisition and the remaining construction costs will be obtained by the County Court by the issue and sale of an industrial development bond to the Mellon National Bank and Trust Co. (Mellon). The bond will carry an interest rate of 4¼ percent, adjusted to reflect one-half of any increase or decrease from time to time in the prime commercial credit rate of Mellon.

The County Court will lease the pollution control equipment to the Companies for a 12-year term at the end of which the Companies will reacquire the pollution control equipment for an amount equal to the then unamortized portion of County Court's development bond, plus $100. The monthly rental payments under the lease payable by the Companies in proportion to their present ownership will be in amounts sufficient to pay the interest due on the bond, and, commencing in the 25th month of the lease term, additional amounts sufficient to amortize the outstanding principal of the bond less $3 million which will be paid at the end of the lease term. The Companies further propose to record the transactions in the same manner as if the transactions constituted an installment purchase contract.

The declaration states the Companies will reimburse the County Court for costs and expenses associated with the bond issue, including legal fees and a commitment fee of $200,000 to the bond purchaser. The Companies or any associate company will incur only legal and engineer's fees, recordation fees, and transfer taxes as may be applicable and other expenses, all estimated not to exceed $10,000. The proposed transactions must be authorized, to the extent required, by the Public Service Commission of West Virginia, the Air Pollution Control Board and the Water Quality Resources Board, also of West Virginia. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 28, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14149 Filed 8-21-72;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

HARKER CHINA CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of June 15, 1972, a petition requesting certification of eligibility

to apply for adjustment assistance was filed with the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs by the International Brotherhood of Pottery and Allied Workers, AFL–CIO, on behalf of workers of Harker China Co., Chester, W.Va. The request for certification was made under the President's decision of April 22, 1972. That decision provides pursuant to section 302(a)(3), with respect to the industry producing earthen tableware, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962. (Proclamation 4125: Adjustment of Duties on Certain Ceramic Tableware, April 22, 1972, 37 F.R. 8369.)

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threaten to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of casual connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

The Acting Director, Office of Foreign Economic Policy, upon receipt of the petition, instituted an investigation following which she made a recommendation to me relating to the matter of certification (Notice of Deiegation of Authority and Notice of Investigation, 34 F.R. 18342 and 37 F.R. 2472, 13011; 29 CFR 90.11). In the recommendation, she noted that imports of products like or directly competitive with earthen dinnerware sets and specialty items of the type produced by Harker China Co. had increased substantially over the past 5 years. Tariff concessions have been granted in the late 1940's and 1950's and under the Kennedy round. Competitive pressures placed the company under a severe financial strain over the past 5 years, resulting in substantial losses over the period. The company, unable to survive in the face of intense import competition, halted production in March 1972. Decisions to stop production were made in early January 1972 based on conditions brought to light as a consequence of the December 1971 yearend inventory. The threat of labor force reductions and their occurrence attributable in major part to increased imports began in December 1971. After due consideration I make the following certification:

All workers of the Harker China Co., Chester, W. Va., who became unemployed or underemployed after December 23, 1971, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

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

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.72-14183 Filed 8-21-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 58]

ASSIGNMENT OF HEARINGS

AUGUST 17, 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 114211 Sub 166, Warren Transport, Inc., now assigned September 13, 1972, at San Francisco, Calif., hearing will be held in Room 13025, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

MC–C–7405, William E. Hesselgrave, doing business as Puget Sound Tours, and George V. Hesselgrave, doing business as Bellingham-Ferndale Stages—Investigation of Operations, MC 136189, George V. Hesselgrave, doing business as Hesselgrave Charter Service, MC 136300 Puget Sound Tours, now assigned September 18, 1972, MC 135519 Sub 2, George B. Samac and Anthony G. Ayala, doing business as Queen City Trucking, now assigned September 20, 1972, Seattle, Wash., hearing will be held in Room 815, U.S. Courthouse, 1010 Fifth Avenue, Seattle, WA.

MC 117304 Sub 29, Don Paffile, doing business as Paffile Truck Lines, now assigned September 25, 1972, Spokane, Wash., hearing will be held in Room 752, U.S. Courthouse, West 920 Riverside, Spokane, WA.

MC 128273 Sub 105, Midwestern Express, Inc., now assigned September 6, 1972, at Memphis, Tenn., postponed to October 2, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113861 Sub 51, Wooten Transports, Inc., extension Memphis, Tenn., now assigned September 7, 1972, at Memphis, Tenn., is postponed indefinitely.

I&S 8741 Sub 1 and 2, deciduous fruits, Transcontinental and Deciduous Fruits, Transcontinental Territory, now assigned October 2, 1972 (1 week), at San Francisco, Calif., will be held in Room 1329, Appraisers Building, 630 Sansome Street, San Francisco, CA, also I & S 8741 Deciduous Fruits, Eastbound Transcontinental.

MC–1872 Sub 78, Ashworth Transfer, Inc., MC–F–11445, Ashworth Transfer, Inc.—Purchase—Westates Transportation Co. now assigned October 16, 1972 (1 week), at Phoenix, Ariz., will be held in Room 110, Federal Building, 230 North First Avenue, Phoenix, AZ.

MC–124211 Sub 211, Hilt Truck Line, Inc., now assigned October 10, 1972 (2 days), at Los Angeles, Calif., MC–F–11529 now assigned October 12, 1972 (2 days) at Los Angeles, Calif., will be held in Room 7210, Federal Building, 300 North Los Angeles Street, Los Angeles, CA.

MC 108531 Sub 14, Blue Bird Coach Lines, Inc., now assigned September 6, 1972, at Erie, Pa., hearing will be held in the Courtroom, Erie County Courthouse, West Sixth Street, Erie, PA.

MC 107012 Sub 152, North American Van Lines, Inc., and MC 126372 Sub 10, Surefine Transportation Co., assigned September 25, 1972, at Salt Lake City, Utah, will be held in Room 314, Federal Building Annex, 135 South State Street.

MC–120657 Sub 4, Dugan Truck Line, Inc., now assigned hearing October 2, 1972, at Hutchinson, Kans., is canceled and reassigned hearing October 16, 1972 (1 week), at the Hilton Inn, 1 Hilton Place, Hutchinson, KS.

I&S No. 8762, Transit on edible oils in the Southwest, now being assigned October 16, 1972, I&S M–26070, plastic duct, hose, or pipe, Southern territory, now being assigned October 18, 1972, I&S No. 8764, fruits and vegetables, Eastbound Transcontinental, now being assigned October 30, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 245 Schneider Transport & Storage, Inc., MC 51146 Sub 246 Schneider Transport & Storage, Inc., and MC 118989 Sub 70, Container Transit, Inc., assigned September 18, 1972, MC 110923 Sub 8, Albert Livek, doing business as Livek's Trucking Service, assigned September 20, 1972, MC 51146 Sub 252, Schneider Transport, Inc., assigned September 21, 1972, MC 119654 Sub 19, Hi-way Dispatch, Inc., assigned September 22, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 134082 Sub 6, K. H. Transport, Inc., now being assigned October 10, 1972, MC 30844 Sub 399, Kroblin Refrigerated Xpress, Inc., now being assigned October 12, 1972, MC–F–11436, Milton Transportation, Inc.—Purchase—Milton Trucking, Inc., MC 136343, Milton Transportation, Inc., MC 4405 Sub 494, Dealers Transit, Inc., now being assigned October 24, 1972, MC 133409 Sub 3, Louis H. Foltz, doing business as Air Freight Delivery Service, now being assigned October 30, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35407, Increased rates and charges by Matson Navigation, No. 35407 Sub 1, increased rates and charges, Seatrain Lines, Calif., No. 35407 Sub 2, and Sub 3, increased rates and charges, Matson Navigation Co., No. 35407 Sub 4, increased rates and charges, Seatrain Lines, Calif., No. 35407 Sub 5, lumber and related commodities, west coast to Hawaii, No. 35407 Sub 6, various commodities, between California and Hawaii, assigned October 2, 1972, at San Francisco, Calif., will be held in Room 13025, Federal Building, 450 Golden Gate Avenue.

MC 108341 Sub 30, Moss Trucking Co., Inc., now being assigned hearing September 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 271, Schneider Transport, Inc., now being assigned October 30, 1972, MC 60157 Sub 17, C. A. White Trucking Co., MC 85811 Sub 6, Amscon Transportation, Inc., MC 108676 Sub 45, A. J. Metler Hauling and Rigging, Inc., MC 119908 Sub 19, Western Lines, Inc., now being assigned October 31, 1972 (2 days), MC 136693, Robert A. Doty doing business as D. & D. Delivery Service, now being assigned November 2, 1972 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 94350 Sub 298, Transit Homes, Inc., now being assigned November 6, 1972 (1 week), at Dallas, Tex., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-14175 Filed 8-21-72;8:47 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 17, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42509—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A. (No. 4), for itself and interested rail carriers. Rates on general commodities, from ports in the United Kingdom and continental Europe, on the one hand, to rail stations and water carrier terminals on the U.S. Atlantic and gulf coast and the U.S. Pacific Coast, on the other.

Grounds for relief—Water competition.

Tariff—An equivalent consolidated Seatrain International, S.A. Tariff No. 710, ICC No. 8, FMC No. 33, will be published in the near future and filed to become effective on 45 days notice.

FSA No. 41510—*Joint Water-Rail Container Rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 1), for itself and interested rail carriers. Rates on general commodities, from rail carrier's terminals in Long Beach, Los Angeles, Oakland, and Richmond, Calif., to water carrier's terminals in Mayaguez, Ponce, and San Juan, Puerto Rico.

Grounds for relief—Water competition.

Tariff—Seatrain Lines, Inc., tariff No. 709, ICC No. 204, FMC-F No. 4. Rates are published to become effective on September 9, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-14176 Filed 8-21-72;8:47 am]

[Notice 106]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

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

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

No. MC-FC-73519. By order of August 2, 1972, the Motor Carrier Board approved the transfer to Fields Truck Line, Inc., 229 Wyoming Street, Gooding, ID 83330, of certificate No. MC-44154 and certificate of registration No. MC-44154 (Sub-No. 4), issued March 28, 1942, and July 8, 1965, respectively, to Lowell W. Fields, doing business as Fields Truck Line, same address, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Mountain Home and Gooding, Idaho; ore, concentrates, mining machinery, equipment, and supplies, between points within 30 miles of Fairfield, Idaho, including Fairfield, as specified; and such transportation corresponding in scope to IPUC permit No. 41, first amended, dated October 25, 1954, issued by the Idaho Public Utilities Commission.

No. MC-FC-73771. By order of August 2, 1972, the Motor Carrier Board approved the transfer to Harvey Williams, Maryville, Mo., of the operating rights in certificate No. MC-111748 issued September 1, 1965, to Williams Moving & Storage Co., Inc., Maryville, Mo., authorizing the transportation of various commodities from, to, and between specified areas in Missouri and points in Nebraska, Kansas, Iowa, and Illinois. Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106, attorney for applicants.

No. MC-FC-73819. By order of August 3, 1972, the Motor Carrier Board approved the transfer to Shaw Moving & Storage, Inc., Silver Spring, Md., of the operating rights in certificate No. MC-109856 (Sub-No. 2) issued April 23, 1954, to Ralph De Costa Shaw, doing business as Seaboard Van Lines, Silver Spring, Md., authorizing the transportation of household goods between Pontiac, Ill., and points within 35 miles thereof, on the one hand, and, on the other, points in Wisconsin, Minnesota, Michigan, Iowa, Nebraska, Colorado, Missouri, Kansas, Kentucky, Indiana, Ohio, and Pennsylvania.

No. MC-FC-73865. By order of August 4, 1972, the Motor Carrier Board approved the transfer to Frank D. Serio, doing business as Vernon Movers, Yonkers, N.Y., of the operating rights in certificate No. MC-94991 issued February 10, 1941, to V.H. Towns, Yonkers, N.Y., authorizing the transportation of household goods between points in Westchester County, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, and Rhode Island. Alvin Altman, 1776 Broadway, New York, NY, 10019 attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-14177 Filed 8-21-72;8:47 am]

[Notice 107]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73600. By order entered August 14, 1972, Division 3, acting as an appellate division, approved the transfer to Columbia City Freight Lines, Inc., Columbia City, Ind., of the operating rights set forth in certificate No. MC-79157, issued June 22, 1949, to Burdette Roy, doing business as Topeka Truck Line, Topeka, Ind., authorizing the transportation of general commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between Fort Wayne, Ind., on the one hand, and, on the other, Middlebury, Shipshewana, Emma, Shrock, Topeka, Springfield, Wawaka, and Brimfield, Ind. Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-14178 Filed 8-21-72;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.8(a)(4), Title 50, Code of Federal Regulations, as follows:

On August 17, 1972, the Director, National Marine Fisheries Service, determined that U.S. vessels operating in regulatory areas—Subarea 5, West of 69°00′ W. longitude, defined in §§ 240.1 (b)(5) and 240.6(b)(1), had reached the quarterly catch limit for yellowtail flounder of 2,600 metric tons for the period July 1–September 30, 1972, as described in § 240.6(b)(1), published in the FEDERAL REGISTER (37 F.R. 786–787).

I hereby announce that the season for taking yellowtail flounder, without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States, will terminate at 0001 hours local time in the area affected, August 31, 1972. The restriction will remain in effect until 0001 hours local time, October 1, 1972.

Issued at Washington, D.C., and dated August 21, 1972.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-14301 Filed 8-21-72;11:12 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
11679 16857

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, 16859, 16861
301 16669

PROPOSED RULES:
300 15523

7 CFR

17 16669
26 15911
29 15501
35 16167
68 16597
301 16533
331 15911
701 ..... 16787, 16861
811 16470
814 16471
831 16168
908 ..... 15501, 16090, 16597, 16787
910 ..... 15366, 15885, 15912, 15979, 16385, 16787
911 15366
919 ..... 16168, 16385

7 CFR—Continued

Page

926 16386
927 15855
930 16169
931 15366
946 16597
947 16598
958 16169
993 15979
1030 15368
1060 16861
1076 16533
1079 16862
1094 16091
1464 15856
1861 15502

PROPOSED RULES:
51 16877
55 15517
61 16198
815 15936
910 ..... 16104, 16877
911 15707
912 16805
918 16407
926 ..... 15380, 16199
931 16877
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
316 16863
317 16863

9 CFR—Continued

Page

318 ..... 15368, 16386
325 15368
327 15368
331 15368

10 CFR

9 15624

PROPOSED RULES:
305 16199

12 CFR

220 ..... 15378, 15421
522 .....
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, 16865
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, 16865
73 ..... 15875, 15985, 16598, 16791, 16865
75 ..... 16475, 16599
91 ..... 15698, 15983
95 16865
97 ..... 15698, 16074, 16599
121 15983
127 15984
135 15698
212 15424
214 15424
217 15513
221 16476

14 CFR—Continued

Page

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
221 16880
288 15711
399 15711

15 CFR

379 16868
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

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

Page

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:

1 16877
19 15875
121 15434, 16407, 16551, 16613
130 16503
135 16200
141a 16104
146a 16104
149j 16104
167 16613
273 16679
301 15933
303 15933
306 15933

22 CFR

9 15624
41 15372

23 CFR

Page

App. A 15924

PROPOSED RULES:

Ch. II 15602

24 CFR

35 16872
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, 16873
17 15645
42 16671

PROPOSED RULES:

17 16401

29 CFR

462 16799
520 16177
570 16177
694 16493
697 16493
725 16493
1910 16862

PROPOSED RULES:

1 16507
5 16507, 16814
10 16814
103 15710, 16622, 16813
1910 15880, 16507
1951 15880
2200 15470

30 CFR

Page

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, 16878, 16880

38 CFR

13 ... 15925

PROPOSED RULES:

3 ... 16881

39 CFR

619 ... 16675
761 ... 16801

PROPOSED RULES:

3001 ... 15437, 16554, 16555

40 CFR

52 ... 16177
180 ... 16178, 16494, 16495, 16803

PROPOSED RULES:

52 ... 16881
162 ... 15522
180 ... 16812

41 CFR

1-1 ... 15372
3-1 ... 16080, 16396
3-3 ... 15859
3-4 ... 15861, 16396
3-75 ... 15861

41 CFR—Continued

Page

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

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
35 ... 16878
66 ... 16000
78 ... 16878
90 ... 15518
94 ... 15518
97 ... 16878
112 ... 15518
146 ... 15999
166 ... 16000
196 ... 16878
308 ... 15866

46 CFR—Continued

Page

PROPOSED RULES—Continued

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
91 ... 16682
93 ... 16682

49 CFR

1 ... 16873, 16874
3 ... 16876
89 ... 16876
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, 16876

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
16851–16898	22