federal register

SATURDAY, SEPTEMBER 23, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 186

Pages 20015–20096

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.

5 CFR

213 20021

7 CFR

401 20021
910 (2 documents) 20021
989 20022

PROPOSED RULES:

52 20036
905 20036
906 20037
989 20037
1488 20038

14 CFR

23 20023
27 20023
71 (2 documents) 20024
91 20024
121 20024
127 20024

PROPOSED RULES:

71 (3 documents) 20040, 20041

18 CFR

PROPOSED RULES:

2 (2 documents) 20042, 20045

19 CFR

4 (2 documents) 20025

21 CFR

PROPOSED RULES:

11 20038
167 20040

26 CFR

142 20025

33 CFR

204 20026

40 CFR

180 20026

41 CFR

14–1 20027
14–10 20027
15–1 20028

43 CFR

PUBLIC LAND ORDERS:

5258 20030
5260 20030
5261 20030

46 CFR

147 20031

47 CFR

73 (2 documents) 20031, 20032
74 20032

PROPOSED RULES:

25 20041

49 CFR

571 (2 documents) 20033

PROPOSED RULES:

213 20041

50 CFR

32 20035

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to show that a provision prohibiting new appointments after August 31, 1972, is removed from the Schedule A authority covering positions in the National Institute of Mental Health involving the performance of therapeutic and service assignments under a rehabilitation program concerned with the treatment of drug addicts, when filled by persons who have a history of drug addiction and who have been successfully treated.

Effective on publication in the FEDERAL REGISTER (9-23-72), subparagraph (1) of paragraph (h) of § 213.3116 is amended as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

* * * * *

(h) *National Institute of Mental Health—Health Services and Mental Health Administration.*

(1) Positions in the National Institute of Mental Health involving performance of various therapeutic and service assignments under a rehabilitation program concerned with the treatment of drug addicts, when filled by persons who have a history of drug addiction and who have been successfully treated.

* * * * *

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

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

[FR Doc.72-16250 Filed 9-22-72;8:52 am]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 39]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

MINIMUM AGE FOR APPLICANTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1973 crop year in the following respects:

Item D of the application shown in paragraph (e) of § 401.103 is amended effective beginning with the 1973 crop year to read as follows:

D. This application, when executed by a person as an individual, shall not cover his share in a crop produced by a partnership or other legal entity.
The applicant is a_____.
(Type of Entity)
All natural persons in whose behalf this application is made are over 18 years of age_____.
(Yes or No)

(Secs. 506, 516, 52 Stat. 73, as amended 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment merely changes the age reference in the last sentence from 21 to 18. This is done in order to make the application consistent with Public Law No. 92-357, enacted July 28, 1972, which amends the Federal Crop Insurance Act so as to authorize crop insurance contracts with all persons over 18 years of age having a bona fide interest in an insurable crop and providing that all such persons under the age of 21 shall have the same legal rights and be subject to the same legal liabilities with respect to such contracts as persons over the age of 21. Under the circumstances, the Board of Directors founds that it would be unnecessary to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 F.R. 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on September 6, 1972.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on September 20, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-16288 Filed 9-22-72;8:53 am]

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

[Lemon Reg. 551 Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.851 (Lemon Regulation 551, 37 F.R. 18898) during the period September 17, 1972, through September 23, 1972, is hereby amended to read as follows:

§ 910.851 Lemon Regulation 551.

* * * * *

(6) *Order.* (1) * * * 215,000 cartons.

* * * * *

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

Dated: September 20, 1972.

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

[FR Doc.72-16285 Filed 9-22-72;8:50 am]

[Lemon Reg. 552]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.852 Lemon Regulation 552.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee,

established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 19, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 24, through September 30, 1972, is hereby fixed at 200,000 cartons.

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

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

Dated: September 21, 1972.

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

[FR Doc.72-16317 Filed 9-22-72;8:54 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling

Correction

In F.R. Doc. 72–16063 appearing at page 19621 of the issue of Thursday, September 21, 1972, the effective date within parentheses in the last line before the signature should read 9–21–72.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9826; Amdts. 23–13; 27–8, 91–103, 121–97, 127–29]

AIRPLANE AND ROTORCRAFT MANUALS, MARKINGS, AND PLACARDS

The purpose of these amendments to Parts 23, 27, 91, 121, and 127 of the Federal Aviation Regulations is to revise and clarify the requirements for airplane and rotorcraft manuals, markings, and placards.

These amendments are based on notice of proposed rule making (Notice 70–47) issued on November 18, 1970, and published in the FEDERAL REGISTER on November 25, 1970 (35 F.R. 18054). Three comments were received in response to Notice 70–47 one of which favored the proposed amendments. The two comments recommending changes to the proposed amendments are discussed below. Based upon these comments and upon further consideration by the FAA, a number of substantive and editorial changes have been made to the proposed rule. Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented. Except as modified by the following discussion, the reasons for these amendments are those in the notice.

One comment suggested that all aircraft, including those weighing less than 6,000 pounds, should have approved airplane flight manuals containing all of the required information and that placards should be kept on the aircraft for emergency reference only. Commentator stated that a flight manual can be temporarily removed from the aircraft for comfortable reference in a ramp office when outside temperatures are extremely high or low, and that fewer C.G. out of limit or overweight temperature accidents will occur with small aircraft if the total information is available for reference in a comfortable environment. The airworthiness requirements were changed in 1953 to eliminate the requirement for airplane flight manuals for airplanes under 6,000 pounds, and the FAA agrees that this exception should be reconsidered in view of the complexity of small airplanes being type certificated today and the resulting increase in information that must be made available to the pilot. However, that consideration is beyond the scope of Notice 70–47. The notice proposed amendments to the present regulations which are primarily clarifying in nature and intended to make the present airworthiness standards and operating rules internally consistent. Nevertheless, the comment is appreciated and will be considered for future rule making action. However, in response to the comment and to insure that the information is readily available to the pilot, proposed § 23.1559 has been revised to require the form and location of the "approved manual material" to be specified in the operating limitations placard.

Another comment, while agreeing with the proposed changes to §§ 23.31 and 23.1541, noted that the proposed change to § 23.1559 would eliminate the "operating limitations placard" for airplanes certificated in a single category. This was not the intent of the proposal and proposed § 23.1559(a) has been changed to include airplanes type certificated in only one category. In addition, proposed § 23.1559(a) has been editorially revised to indicate the mandatory status of the operating limitations contained in the airplane flight manual, approved manual material, markings, and placards.

With respect to the proposed amendment to § 23.1581, a commentator opposed the insertion of the word "approved" before the word manual and the requirement that "all approved manual material must be approved, clearly identified and not easily erased, disfigured, or misplaced." The commentator stated that to require FAA approval for material which privously did not require approval would materially complicate a system that has been successfully used by manufacturers for 15 years and that there is no safety justification or administrative need for the requirement. The FAA does not agree. The applicable information in §§ 23.1583 through 23.1589 that proposed § 23.1581 would require to be furnished in an airplane flight manual or in any combination of approved manual material, markings, and placards is necessary for the safe operation of an airplane and the form and manner in which that information is presented to the pilot as well as the information itself should be approved by the FAA. However, proposed §§ 23.1581(b) and 27.1581(b) have been revised to further specify the form and content of the "approved manual material."

Based on further consideration of the requirement in proposed § 27.1581 (a)(2) that the information contained in §§ 27.1583 through 27.1589 be furnished not only in a rotorcraft flight manual or approved manual material but also in markings and placards, the proposal has been revised to permit the information

to be furnished either in a rotorcraft flight manual or in any combination of approved manual material, markings, and placards. The FAA has determined that it is not necessary for the information contained in §§ 27.1583 through 27.1589 to be furnished in one form and then repeated in the form of markings and placards. As revised the requirement is consistent with the amendment to § 23.1581 and is the same as present § 27.1581(a)(2) except that the option of furnishing the information in approved manual material is provided for in the event that the operating rules of Chapter I do not require a rotorcraft flight manual.

Finally, consistent with the amendments to §§ 23.1559 and 27.1501, §27.1559 is amended to reflect the option for a helicopter, of using a rotorcraft flight manual or approved manual material to furnish the required operating limitations and to require that the form and location of approved manual material be set forth in the operating limitations placard.

In consideration of the foregoing, Parts 23, 27, 91, 121, and 127 of the Federal Aviation Regulations are amended, effective October 23, 1972, as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

1. By amending § 23.31(b) to read as follows:

§ 23.31 Removable ballast.

* * * * *

(b) Instructions are included in the airplane flight manual, approved manual material, or markings and placards, for the proper placement of the removable ballast under each loading condition for which removable ballast is necessary.

2. By amending § 23.1541 by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 23.1541 General.

* * * * *

(c) For airplanes having a maximum weight of more than 6,000 pounds and which are to be certificated in more than one category—

(1) The applicant must select one category upon which the placards and markings are to be based; and

(2) The placard and marking information for the other categories in which the airplane is to be certificated must be recorded in the airplane flight manual.

(d) For airplanes having a maximum weight of 6,000 pounds or less and which are to be certificated in more than one category—

(1) The applicant must select one category upon which the placards and markings are to be based, except that he may include operating limitations covering more than one category on a single placard if the differences between the categories involve only a difference in maximum weights; a difference in the center of gravity range at the corresponding maximum weight; a difference involving approved maneuvers and corresponding entry speeds; or any combination thereof.

(2) Except as provided in subparagraph (1) of this paragraph, the placard and marking information for the other categories in which the airplane is to be certificated must be recorded in the airplane flight manual or in approved manual material.

3. By amending § 23.1559(a) to read as follows:

§ 23.1559 Operating limitations placard.

(a) There must be a placard in clear view of the pilot stating—

(1) For airplanes certificated in one category:

The markings and placards installed in this airplane contain operating limitations which must be complied with when operating this airplane in the _____ category. (Insert category.) Other operating limitations which must be complied with when operating this airplane in this category are contained in the _____. (Insert "airplane flight manual" for airplanes of more than 6,000 pounds maximum weight. Insert either "airplane flight manual" or "approved manual material" whichever is applicable, for airplanes of 6,000 pounds or less maximum weight. If "approved manual material" is inserted, the placard must also contain a statement setting forth the form and location of the material.)

(2) For airplanes of more than 6,000 pounds maximum weight certificated in more than one category:

The markings and placards installed in this airplane contain operating limitations which must be complied with when operating this airplane in the _____ category. (Insert correct category.) Other operating limitations which must be complied with when operating this airplane in this category or in the _____ category are contained in the airplane flight manual. (Insert the correct category or categories.)

(3) For airplanes of 6,000 pounds or less maximum weight certificated in more than one category:

Except as may be otherwise indicated on a placard, the markings and placards installed in this airplane contain operating limitations which must be complied with when operating this airplane in the _____ category. (Insert category.) Other operating limitations which must be complied with when operating this airplane in this category or in the _____ category (insert category) are contained in the _____." (Insert "airplane flight manual" or "approved manual material," whichever is applicable. If "approved manual material" is inserted, the placard must also contain a statement setting forth the form and location of the material.)

* * * * *

4. By changing the title following § 23.1567 to read "Airplane flight manual and approved manual material" and by amending § 23.1581 (a)(2) and (b) to read as follows:

§ 23.1581 General.

(a) * * *

(2) For each airplane of 6,000 pounds or less maximum weight, in an airplane flight manual, or in any combination of approved manual material, markings, and placards.

(b) *Approval and segregation of information.* Each part of the airplane flight manual containing information prescribed in §§ 23.1583 through 23.1589 must be approved, segregated, identified, and clearly distinguished from each unapproved part of that airplane flight manual. All approved manual material must be clearly identified, and not easily erased, disfigured, or misplaced, and it must be in the form of individual sheets capable of being inserted in a manual provided by the applicant, or in a folder, or in any other permanent form. Information not required to be furnished by this section may not be included in the approved manual material.

* * * * *

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

5. By amending § 27.1501 to read as follows:

§ 27.1501 General.

Each operating limitation specified in §§ 27.1503 through 27.1525 and other information necessary for safe operation must—

(a) For each rotorcraft, other than a helicopter, be included in a rotorcraft flight manual and expressed in placards and markings;

(b) For each helicopter, be included in a rotorcraft flight manual and expressed in placards and markings, or in any combination of approved manual material, marking and placards, unless the operating rules of this chapter require a rotorcraft flight manual; and

(c) Be made available by any other means that will convey the information to the crewmembers.

6. By amending § 27.1559 to read as follows:

§ 27.1559 Limitations placard.

There must be a placard in clear view of the pilot stating:

This _____ (insert helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the _____. (Insert "rotorcraft flight manual" for rotorcraft other than helicopters. Insert either "rotorcraft flight manual" or "approved manual material," whichever is applicable, for helicopters. If "approved manual material" is inserted, the placard must also contain a statement setting forth the form and location of the material.) If the rotorcraft maintenance manual contains "Airworthiness limitations" issued under § 27.1529(a)(2), the placard must contain the following additional statement: "The 'Airworthiness limitations' section of the rotorcraft maintenance manual must be complied with."

7. By changing the title following § 27.1565 to read "Rotorcraft flight manual and approved manual material," and by amending § 27.1581 (a)(2) and (b) to read as follows:

§ 27.1581 General.

(a) * * *

(2) For each helicopter, in a rotorcraft flight manual, or in any combination of approved manual material, markings, and placards, unless the operating rules of this chapter require a rotorcraft flight manual.

(b) *Approval and segregation of information.* Each part of the rotorcraft flight manual containing information prescribed in §§ 27.1583 through 27.1589 must be approved, segregated, identified, and clearly distinguished from each unapproved part of the rotorcraft flight manual. All approved manual material must be clearly identified, and not easily erased, disfigured, or misplaced, and it must be in the form of individual sheets capable of being inserted in a manual provided by the applicant, or in a folder, or in any other permanent form. Information not required to be furnished by this section may not be included in the approved manual material.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

8. By amending § 91.31(b) to read as follows:

§ 91.31 Civil aircraft operating limitations and marking requirements.

* * * * *

(b) No person may operate a U.S. registered civil aircraft unless there is available in the aircraft a current airplane or rotorcraft flight manual, approved manual material, markings, and placards, or any combination thereof, containing each operating limitation prescribed for that aircraft by the Administrator, including the following:

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF HEAVY AIRCRAFT

8. By amending § 121.141 to read as follows:

§ 121.141 Airplane or rotorcraft flight manual.

(a) Each certificate holder shall keep a current approved airplane or rotorcraft flight manual for each type of transport category aircraft that it operates.

(b) Each certificate holder shall carry an approved airplane or rotorcraft flight manual, or manual required by § 121.133 containing the information required for the airplane or rotorcraft flight manual, in each transport category aircraft. If sections of the required information from the airplane or rotorcraft flight manual are incorporated in the manual required by § 121.133, the holder shall clearly identify the sections as airplane or rotorcraft flight manual requirements.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

§ 127.63 [Amended]

10. By amending § 127.63(b)(22) by striking out the words "approved flight manual" and inserting the words "approved rotorcraft flight manual", in place thereof.

§ 127.81 [Amended]

11. By amending § 127.81 by striking out the words "Helicopter flight manual" and inserting the words "Rotorcraft flight manual", in place thereof.

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

Issued in Washington, D.C., on September 19, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-16238 Filed 9-22-72;8:49 am]

[Airspace Docket No. 72-RM-6]

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

Alteration of Transition Area

On August 10, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16107) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Billings, Mont., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received, and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 7, 1972.

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

Issued in Aurora, Colo., on September 15, 1972.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

In § 71.181 (37 F.R. 2143) the description of the Billings, Mont., transition area is amended by deleting all after "* * * that airspace extending upward from 6,200 feet MSL within a 35-mile radius of Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 057° radial and from the Billings VORTAC 212° radial clockwise to the 266° radial; * * *" and substitute "That airspace extending upward from 7,000 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 072° radial clockwise to the 131° radial. That airspace extending upward from 7,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 301° radial clockwise to the 317° radial; that airspace extending upward from 8,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 266° radial clockwise to the 301° radial and that airspace extending upward from 9,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 131° radial clockwise to the 150° radial, excluding the portions that overlie VOR Federal airways.

[FR Doc.72-16239 Filed 9-22-72;8:49 am]

[Airspace Docket No. 72-RM-17]

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

Establishment of Control Zone and Alteration of Transition Area

On August 8, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 15937) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish the Eagle, Colo. control zone and alter the Eagle, Colo. transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received, and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., December 7, 1972.

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

Issued in Aurora, Colo., on September 15, 1972.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

In § 71.171 (37 F.R. 2056) the following control zone is added:

EAGLE, COLO.

That airspace within a 3.5-mile radius of the Eagle County Airport (latitude 39°38'18" N., longitude 106°54'51" W.) and within 3 miles north and 2.5 miles south of the 093° bearing from the Eagle, Colo., RBN (latitude 39°38'37" N., longitude 106°54'36" W.), extending from the 3.5-mile-radius zone to 6 miles east of the RBN.

In § 71.181 (37 F.R. 2143) the description of the Eagle, Colo., transition area is amended to read:

EAGLE, COLO.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 39°34'30" N., 106°25'00" W.; to 39°45'30" N., 106°25'00" W.; to 39°47'00" N., 107°05'00" W.; to 39°41'00" N., 107°12'30" W.; 39°27'30" N., 107°01'00" W.; to 39°33'30" N., 106°53'00" W.; to the point of beginning.

[FR Doc.72-16240 Filed 9-22-72;8:49 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-254]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Faeroe Islands; Special Tonnage Tax and Light Money

The Department of State advised the Department of the Treasury on May 9, 1972, that under Article XIX of the Treaty of Friendship, Commerce and Navigation between the United States and Denmark of October 1, 1951, vessels of either party and their cargoes are entitled to national treatment and most favored nation treatment within the ports and waters of the other party and, further, that under a minute of interpretation, initialed simultaneously with the signing of the treaty, it was expressly provided that vessels under the flag of the Faeroe Islands are to be treated as Danish vessels.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Faeroe Islands, and the produce, manufactures, or merchandise imported into the United States in such vessels from the Faeroe Islands or from any other foreign country. This suspension and discontinuance shall take effect May 9, 1972, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs regulations, is amended by the insertion of "(including the Faeroe Islands)" after "Denmark" in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(5 U.S.C. 301, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 46 U.S.C. 3, 121, 128, 141)

Since there is a statutory requirement for the suspension of discriminating duties when reciprocity has been established, notice and public procedure under 5 U.S.C. 553 is unnecessary. Inasmuch as the suspension grants an exemption from the payment of duties, there is good cause under 5 U.S.C. 553(d)(1) for making the suspension effective on the earliest date possible.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (9-23-72).

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

SEPTEMBER 14, 1972.

[FR Doc.72-16243 Filed 9-22-72;8:49 am]

[T.D. 72-255]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

New Zealand; Yacht Privileges and Obligations; Cruising Licenses

The Department of State advised the Department of the Treasury on July 13, 1972, that the Government of New Zealand allows yachts of the United States to cruise in New Zealand waters without a license or charges for entering or clearance, dues, duty per ton, or tonnage taxes.

Pursuant to section 5 of the act of May 28, 1908, as amended (sec. 5, 35 Stat. 425, as amended; 46 U.S.C. 104), following a finding by the Secretary of the Treasury that a foreign nation has granted the above-described exemptions to yachts of the United States, the Commissioner of Customs may issue cruising licenses to yachts of that nation.

It has been established to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted the above described reciprocal privileges by the Government of New Zealand.

Accordingly, § 4.94(b) of the Customs regulations is amended by the insertion of "New Zealand" after "Netherlands" in the list of nations whose yachts are exempt from the specified Customs requirements.

(Sec. 3, 23 Stat. 119, as amended, sec. 5, 35 Stat. 425, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 104.)

There is statutory authority for this exemption after a finding has been made that such reciprocity exists. Therefore, notice and public procedure under 5 U.S.C. 553 is unnecessary. Inasmuch as this is an exemption, the amendment is made effective on the earliest date possible, under 5 U.S.C. 553(d)(1).

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (9-23-72).

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

Approved: September 14, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-16244 Filed 9-22-72;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7206]

PART 142—TEMPORARY EXCISE TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Claim for Credit or Refund in Respect of Floor Stocks and Certain Consumer Purchases

In order to provide revised rules relating to the procedures for claiming credit or refund of the manufacturers excise tax as authorized by section 401(b) of the Revenue Act of 1971 (85 Stat. 531) with respect to floor stocks and section 401(c) of such Act with respect to certain consumer purchases, the Temporary Excise Tax Regulations Under the Revenue Act of 1971 (26 CFR Part 142) are amended as follows:

PARAGRAPH 1. Section 142.2-1(d)(1) is amended to read as follows:

§ 142.2-1 Credit or refund in respect of floor stocks; passenger automobiles, light-duty trucks, and related articles.

* * * * *

(d) *Procedure for claiming credit or refund*—(1) *In general.* Each claim for credit or refund under section 401(b) of the Act shall be filed on or before October 2, 1972, in the manner and subject to the conditions stated in this section and in § 301.6402-2 of this chapter (Regulations on Procedure and Administration). Either credit or refund, or a combination thereof, may be claimed but the amount which may be claimed as credit on a return filed after June 30, 1972, shall not exceed the total tax liability shown on the return, reduced by the amount of the deposits of excise taxes shown on the return and by any amount of credit claimed on the return pursuant to any provision of law other than section 401(b) of the Act. A refund may be claimed on a return on Form 720 (the Federal excise tax return) filed on or before June 30, 1972. However, see § 301.6402-4 for additional rules relating to refunds claimed on Form 720. If only credit is claimed, a claim on Form 843 is not required. If the total amount which may be claimed exceeds the amount that may be claimed as credit on a return, the excess amount may be claimed either as a credit on a subsequent return or as a refund on a claim for refund filed on or before October 2, 1972. If credit is claimed the amount thereof shall be entered as a credit on a return filed on or before October 2, 1972.

* * * * *

PAR. 2. Section 142.2-2(c)(1) is amended to read as follows:

§ 142.2-2 Credit or refund in respect of certain consumer purchases.

* * * * *

(c) *Claim for credit or refund*—(1) *In general.* Each claim for credit or refund under section 401(c) of the Act

shall be filed within the time, in the manner and subject to the conditions stated in the Act, in this section, and in § 301.6402–2 of this chapter (Regulations on Procedure and Administration). Either credit on a return on Form 720 (the Federal excise tax return) or refund on Form 843, or a combination thereof, may be claimed. However, the amount which may be claimed as credit on a return on Form 720, if filed after June 30, 1972, shall not exceed the total tax liability shown on the return, reduced by the amount of the deposits of excise taxes shown on the return and by any amount of credit claimed on the return pursuant to any provision of law other than section 401(c) of the Act. A refund may be claimed on a return on Form 720 (the Federal excise tax return) filed on or before June 30, 1972. However, see § 301.6402–4 of this chapter for additional rules relating to refunds claimed on Form 720. If only credit is claimed, a claim on Form 843 is not required. If the total amount which may be claimed exceeds the amount that may be claimed as credit on a return, the excess amount may be claimed either as a credit on a subsequent return or as a refund on a claim for refund filed on or before October 2, 1972. If credit is claimed the amount thereof shall be entered as a credit on a return filed on or before October 2, 1972.

* * * * *

Because of the need for immediate guidance with respect to the credit or refund provisions authorized by section 401 (b) and (c) of the Revenue Act of 1971, it is found impracticable to issue it with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of such section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: September 19, 1972.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.72–16157 Filed 9–22–72;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Lake Erie, West End, North of Erie Ordnance Depot, Lacarne, Ohio

Pursuant to provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.187 establishing and governing the use and navigation of danger zones in Lake Erie, west end, north of Erie Ordnance, Lacarne, Ohio, is hereby amended with respect to revoking paragraphs (a)(3), (b)(3), (c)(3), (e)(3), (f)(3) and revising paragraph (g), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.187 Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.

(a) *The danger zone.* * * *

(3) *Danger Area III.* [Revoked]

(b) *Types of firing.* * * *

(3) *Danger Area III.* [Revoked]

(c) *Authorized dates and hours of firing.* * * *

(3) *Danger Area III.* [Revoked]

* * * * *

(e) *Enforcing agencies.* * * *

(3) *Danger Area III.* [Revoked]

(f) *Control and signals.* * * *

(3) *Danger Area III.* [Revoked]

* * * * *

(g) *Fishing permits.* Fishermen desiring to set fixed nets within the danger zone are required in every instance to have written permits. Permits for placing nets within Areas I and II may be obtained by written application to the Adjutant General, State of Ohio. Applicants for permits must state the location at which they desire to set fixed nets and the period of time which they desire the permit to cover.

* * * * *

[Regs., August 25, 1972, DAEN–CWO–N]
(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72–16195 Filed 9–22–72;8:45 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Methomyl

A petition (PP 2F1247) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodities pea vines at 10 parts per million and peas at 5 parts per million.

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

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

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.253 is amended by revising the paragraphs "10 parts per million * * *" and "5 parts per million * * *", as follows:

§ 180.253 Methomyl; tolerances for residues.

is released to the Government on that

* * * * *

10 parts per million in or on alfalfa, bean forage, corn fodder and forage, pea vines, and soybean forage.

5 parts per million in or on cabbage, endive (escarole), lettuce, and peas.

* * * * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9–23–72).

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

Dated: September 14, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–16197 Filed 9–22–72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

PART 14–1—GENERAL

PART 14–10—BONDS AND INSURANCE

Definition of Small Business for Purpose of Surety Bond Guarantee Assistance

On June 21, 1972, there was published in the FEDERAL REGISTER (37 F.R. 12241) a proposal to amend Subpart 14–1.7 of the Interior procurement regulations by adding a new § 14–1.701–50 providing a definition of small business for the "purpose of surety bond guarantee assistance," by amending § 14–1.702 to give additional emphasis to the small business policies of the Department of the Interior, by amending § 14–1.706.1 to increase the class set-asides for construction from contracts of $500,000 or less to contracts of $1 million or less, and by adding a new § 14–1.706.5 to provide appropriate provisions to include in solicitations size standards for small businesses involved in the procurement and to give notice to small business bidders that certain surety bond assistance is available.

Thirty days were given within which any person wishing to do so could file written data, views, or comments pertaining to the proposed amendments with the Director, Office of Survey and Review, Office of the Assistant Secretary—Management and Budget, Department of the Interior, 19th and E Streets NW., Washington, D.C. 20240.

Based on comments received, together with further administrative consideration, some changes from the proposal have been made.

The substantive changes follow:

(a) Section 14–1.701–50 has been limited to a definition of a small business for the purposes of surety bond guarantee assistance;

(b) A new § 14–1.704 has been added which more clearly defines the Interior small business program direction and operation, including the duties of the small business adviser and small business representatives;

(c) A new § 14–1.705 has been added to provide more clearly, instructions for cooperating with the small business administration;

(d) Section 14–1.706–1 has been changed to provide the contracting officer with discretionary power not to set aside procurements of construction estimated to cost between $500,000 and $1 million when he determines that it would not be in the public interest to do so; and

(e) A new § 14–10.201 has been added to Subpart 14–10.2, Sureties on bonds, containing a cross reference to § 14–1.705.50. Other changes are editorial in nature.

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Parts 14–1 and 14–10 of Chapter 14, Title 41 of the Code of Federal Regulation are hereby amended as set forth below effective on the date of publication in the FEDERAL REGISTER (9–23–72).

CHARLES EMLEY,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 19, 1972.

1. Sections 14–1.7 through 14–1.706–6 are added to read as follows:

Subpart 14–1.7—Small Business Concerns

Sec.

AUTHORITY: The provisions of these §§ 14–1.701 through 14–1.701–50 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 14–1.7—Small Business Concerns

§ 14–1.701 Definitions.

§ 14–1.701–50 Definition of small business for the purpose of surety bond guarantee assistance.

As provided in 13 CFR 121.3–14 published at 37 F.R. 7077, April 8, 1972, a small business concern for the purpose of surety bond guarantee assistance is a concern that qualifies as a small business under § 1–1.701–1 of this title with the following exception: Any construction concern is small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years, do not exceed $750,000.

§ 14–1.702 Small business policies.

The Department of the Interior fully supports the national policy of placing a fair proportion of its purchases of all types with small business including minority business. Heads of bureaus and offices shall take positive action to assure implementation of this policy and the requirements of §§ 1–1.702 and 1–1.713–2 of this title.

§ 14–1.704 Department of the Interior program direction and operation.

§ 14–1.704–1 Small business adviser.

The Assistant Director for Procurement Policy and Review, Office of Survey and Review is designated small business adviser for the Department of the Interior. The small business adviser will have the responsibility, as a collateral duty, of implementing small business policy and programs. He will provide advice and assistance to small business representatives in the Bureaus and Offices of the Department and will be the central point of contact for inquiries concerning matters pertaining to the small business program.

§ 14–1.704–2 Small business representatives.

(a) Bureau and office heads shall designate a member of their headquarters procurement staff as "small business representative" and shall require their major field procurement offices, such as regional offices and service centers to do likewise. These representatives shall be made responsible for effectively accomplishing the activities of small business and minority business enterprise program requirements.

(b) Examples of specific duties of small business representatives follow:

(1) Review upcoming procurements to determine suitability for small business set-aside.

(2) Locate capable small business sources.

(3) Make sure that bidders' lists identify small business firms and that small businesses have an opportunity to participate equitably in procurements.

(4) Work with technical personnel to assure that specifications are drawn wherever possible so as not to preclude participation by small business.

(5) Assist and counsel small business and/or minority business enterprise firms in the proper procedures for participating in Government procurement.

(6) Counsel nonresponsive small business and/or minority business enterprise bidders to help qualify them for future awards.

(7) Review large proposed procurements and determine the possibility of separation or break-out of components suitable for procurement from small business and/or minority business enterprise firms.

(8) Take full advantage of the services of the Small Business Administration Field Procurement Representatives and work closely with them to make sure that legitimate opportunities to place procurements with small business and/or minority business enterprise are not overlooked.

(9) Attend conferences and meetings relative to the small business and/or minority business enterprise programs.

(10) Be sure that proposed procurements are publicized in the Commerce Business Daily (See § 1–1.1003–2 of this title).

§ 14–1.704–3 Goals.

It shall be the goal of the Department of the Interior to place at least 50 percent (dollar value) of its small business procurements as a result of set-asides.

§ 14–1.704–4 Review.

Random checks shall be made periodically by headquarters officials to measure

the effectiveness of the small business program and to effect improvements wherever possible. The degree to which small business policies have been carried out will also be an item for checking in routine procurement reviews and will likewise be surveyed by the departmental audit staff during the course of audits.

§ 14–1.705 Cooperation with the Small Business Administration.

§ 14–1.705–50 Surety bond guarantee assistance.

(a) As provided in 13 CFR Part 115 published at 37 F.R. 6922, April 8, 1972, the Small Business Administration may guarantee up to 90 percent of the loss on a surety bond required of a small business in order to obtain a Government contract of $500,000 or less. For purposes of applying this section the definition of a small business is as set forth in § 14–1.701.50.

(b) Invitations or requests for proposals where cost is not expected to exceed $500,000 shall include the following clause:

SURETY BOND ASSISTANCE

As provided in 13 CFR Part 115, published at 37 F.R. page 6922, April 8, 1972, the Small Business Administration may, under certain conditions provide assistance to small businesses on surety bonds required hereunder. Further information may be obtained from the contracting officer or the nearest office of the Small Business Administration.

§ 14–1.706 Procurement set-asides for small business.

§ 14–1.706–1 General.

(a) Pursuant to §§ 1–1.706–1, 1–3.201 (a) and (b) of this title, and § 14–3.201 (a) of this chapter, it shall be the policy of the Department of the Interior to set aside on a class basis for small business all construction procurements including alteration, maintenance, and repairs estimated to cost $500,000 or less, except individual procurements for which small purchase procedures (see Subpart 1–3.6 of this title) are to be used or when emergency repair work is required. Contracting officers may deviate from this class set-aside policy as provided in § 1–1.706–3 of this title.

(b) It shall be the policy of the Department of the Interior to set aside for small business all construction procurements including alteration, maintenance, and repair estimated to cost between $500,000 and $1 million unless the contracting officer determines that to do so would not be in the public interest because of a lack of price competition, proficiency, or other circumstances.

(c) Construction procurements, including alteration, maintenance and repair, estimated to cost $1 million or more shall be considered for small business set-aside on a case-by-case basis.

§ 14–1.706–2 Review of SBA set-aside proposals.

The Assistant Secretary—Management and Budget will take all required actions on any appeals made under this section. When an appeal is received the head of the bureau or office concerned will forward all pertinent material pertaining to the appeal, together with his recommendations, to the Assistant Secretary—Management and Budget.

§ 14–1.706–5 Total set-asides.

(a) To implement the requirements of § 1–1.706–5(c) of this title, that the small business size standard be set forth in the schedule, a statement substantially as follows shall be included in invitations and requests for proposals involving total set-asides for small business:

Small business size standard for Item(s) or Schedule(s) (insert as appropriate) number(s) _____ is (insert appropriate information from § 1–1.701–1 of this title).

(b) The statement should be inserted only once for each size standard applicable to the procurement.

(c) If the articles or services to be procured cannot be identified with an industry for which a size standard is specifically established then it shall be assumed that the size standard is 500 employees or less. (See § 1–1.701–1(a)(2) of this title.)

§ 14–1.706–6 Partial set-asides.

The instructions set forth in § 14–1.706–5 shall be observed to implement the requirements of § 1–1.706–6(c) of this title that the small business size standard be set forth in the schedule.

2. Part 14–10 is amended by adding Subpart 14–10.2 as follows:

Subpart 14–10.2—Sureties on Bonds

Sec.
14–10.2 Sureties on bonds.
14–10.201 General.

AUTHORITY: The provisions of this Subpart 14–10.2 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 14–10.2—Sureties on Bonds

§ 14–10.2 Sureties on bonds.

§ 14–10.201 General.

As provided in 13 CFR Part 115 published at 37 F.R. 6922, April 8, 1972, the Small Business Administration may guarantee up to 90 percent of the loss on a surety bond required of a small business in order to obtain a Government contract of $500,000 or less (see § 14–1.705–50 of this chapter).

[FR Doc.72–16214 Filed 9–22–72;8:47 am]

Chapter 15—Environmental Protection Agency

PART 15–1—GENERAL

Subpart 15–1.3—General Policies

RELEASE OF PROCUREMENT INFORMATION

Section 15–1.350 *Release of procurement information*, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

This section is a statement of agency internal procedures. Substantive rules affecting public information have already been published after use of the rule making procedure. This regulation will become effective upon publication in the FEDERAL REGISTER (9–23–72).

Dated: September 15, 1972.

ROBERT W. FRI,
Acting Administrator.

Subpart 15–1.3—General Policies

Sec.
15–1.350 Release of procurement information.
15–1.351 Purpose and scope.
15–1.352 Exemption.
15–1.353 Charges for copies, services, etc.

AUTHORITY: The provisions of this § 15–1.350 issued under 5 U.S.C. 552 and 40 U.S.C. 486(c).

Subpart 15–1.3—General Policies

§ 15–1.350 Release of procurement information.

§ 15–1.351 Purpose and scope.

(a) The "Freedom of Information Act," 5 U.S.C. sec. 552, provides that certain Government records shall be made available to the public upon request. This Act has been implemented by the Environmental Protection Agency (EPA) in 40 CFR Part 2 (36 F.R. 23058, December 3, 1971, as amended by 37 F.R. 9629, May 13, 1972), regulations which set forth agencywide guidelines and procedures for processing requests for release of information. Procurement activities must comply with the Act and with 40 CFR Part 2.

(b) Any record requested and properly identified by any member of the public will be made available unless it is exempt from public disclosure. Neither the fact that the person making the request does not have a particular interest in its subject matter, nor that he does not provide justification for the request, is a basis for denying his request. Certain records exempted from mandatory disclosure by the Act may nonetheless be disclosed, at the discretion of EPA, under the procedure set forth in 40 CFR 2.107. The provisions of 41 CFR (Federal Procurement Regulation) § 1–2.408 (c) and (d) will not be used by EPA to authorize deviation from 40 CFR Part 2.

(c) The Act contains nine exemptions from the general requirement of mandatory public disclosure of government documents. The EPA regulations also incorporate these exemptions. Several questions have been raised concerning the applicability of these exemptions to documents generated by EPA's procurement activities. Accordingly, in order to provide some guidance to EPA procurement personnel who must act on requests for such documents and to members of the public who may be interested in obtaining such documents, the Agency has decided to publish the following guidelines for the applicability of the Freedom of Information Act to procurement documents. The guidelines represent the opinion of the EPA Office of General Counsel concerning the possible applicability of the nine exemptions in the Freedom of Information Act to certain types of EPA procurement documents.

(d) It should be emphasized that these guidelines do not replace the necessity for informed judgment in each individual case where disclosure of a document is requested under the Act. In particular, these guidelines do not replace the provision in § 2.105 of the EPA regulations, requiring the office maintaining the requested records, whenever it determines that the records are or may be exempt from disclosure, to promptly request a determination from the Regional Counsel or the Office of the General Counsel.

§ 15–1.352 Exemptions.

The following are the nine categories of records which are or may be exempt from disclosure under the Freedom of Information Act, with examples of types of procurement-related material which may fall within one or more of the nine categories:

(a) Records "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy."

(b) Records "related solely to the internal personnel rules and practices of an agency." These matters include materials which are intended for the guidance of agency personnel only, and which cannot be disclosed to the public without prejudice to the proper and efficient performance of an agency function. Examples of such materials are: Operating rules, guidelines, and manuals of procedure for Government investigators and examiners; circumstances under which an unannounced inspection or spot-audit of a transaction will be conducted to determine compliance with regulatory requirements; and negotiating or bargaining techniques, positions or limitations.

(c) Records "specifically exempted from disclosure by statute." Examples of such statutes include 18 U.S.C. sec. 1905 (trade and financial information provided in confidence to an officer or employee of the Government) and 35 U.S.C. section 181–188 (patent secrecy).

(d) Records that are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

(1) This exemption covers documents containing information which is customarily privileged or confidential and is released to the Government on that basis by an individual, private or public organization, State or local government, foreign government, or international organization. Such information is generally received in connection with the receipt of bids and proposals, solicited or unsolicited, or in the course of negotiations of contract administration. In order to qualify for exemption from disclosure, "privileged or confidential" information must meet the requirements of 40 CFR 2.107a(b), 37 F.R. 9629 (May 13, 1972).

(2) The following are examples of documents which may be exempt under this provision: Cost and price data submitted by contractors, as described in FPR 1–3.807; documents or data appropriate for renegotiation purposes; price analyses based on contractor's submitted data (see FPR 1–3.811); documents supporting advance and progress payments; documents received from contractors relating to compliance with labor policies (e.g., records of compliance checks; payrolls or certified excerpts); settlement proposals; rejected engineering change proposals; invention reports or disclosures; value engineering proposals; business statistics; inventory and customer lists; scientific and manufacturing processes and developments; trade secrets; and statistical data or information concerning contract performance, income, profits, losses, and expenditures received from contractors or potential contractors.

(3) This exemption does not preclude release of abstracts of bids (FPR 1–2.403) or of final prices of bidders and offerors.

(e) Records that are "interagency or intraagency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency."

(1) This exemption is intended to recognize that a full and frank exchange of opinions would be impossible if all internal communications were required to be made public. However, the exemption does not contemplate indiscriminate administrative secrecy.

(2) The following are examples of documents and information which may be covered by this exemption: Cost and price analyses, as described in FPR Subpart 1–3.8; contractor experience lists; procurement management reviews, such as contract performance evaluation reports; Government price estimates; preaward surveys and other advisory documents considered by contracting officers in determining contractor responsibility for award purposes, and other documents containing staff advice preliminary to an award of a contract; record of Source Selection Boards, etc.; advisory documents regarding termination actions; and advisory records concerned with contract administration.

(3) Documents and information received or generated in anticipation of a decision or action may be exempt from disclosure until such time as disclosure would not be detrimental to the authorized and appropriate purpose for which they are being used. For example, a copy of an invitation for bids intended for public release at a particular time should not be released prematurely, although the document is in final form and ready for distribution. Similarly, advance plans to procure, lease, or dispose of property, or to procure services, should not be released, if such information would adversely affect the integrity of the procurement process.

(4) In certain cases, technical information contained in Agency files may require special treatment even though it is not exempt from release. Cognizant technical personnel should be consulted to determine whether either of the following types of special treatment are necessary:

(i) Partial or preliminary technical reports may be misleading unless suitable cautionary language accompanies the release.

(ii) Where release of reports or other information might prejudice the rights of the Government to obtain patents on processes, products, or devices described therein, release should not be made unless the advice of the Office of General Counsel has been obtained or unless the release is accompanied by a statement regarding the Government's patent position approved by the Office of General Counsel.

(5) Audit reports normally are covered by this exemption. Auditing agencies often have internal policies which deal with release of audits; for example, Defense Contract Audit Agency (DCAA) audits are often marked "For Official Use Only." It is EPA policy to obtain the views of the auditing agency prior to release of any audit, whether or not the audit bears a restrictive legend.

(f) Records that are "personnel and medical files and similiar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." This exemption may exclude from disclosure requirements not only personnel and medical files, but also private, personal, financial, or business information which, if disclosed to the public, would constitute a clearly unwarranted invasion of personal privacy (for example, information compiled to evaluate candidates for security clearance).

(g) Records contained in "investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency."

(1) The term "law enforcement" is used in this exemption in a broad sense and is not limited to the enforcement of criminal statutes only.

(2) This exemption includes reports under FPR 1–1.317 for suspected criminal conduct, noncompetitive practices and other procurement irregularities, and reports on identical bids under FPR 1–1.16. It also encompasses reports on procurement matters compiled for possible law enforcement action. These reports are often generated by specific allegations of procurement irregularities on the part of contractors or Government personnel. Other examples are: Lists of firms or individuals suspended under FPR 1–1.605; reports under FPR 1–1.607; and information received in connection with investigations conducted pursuant to Executive Order 11246 (Equal Opportunity).

(h) Records "contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions."

(i) Records involving "geological and geophysical information and data including maps, concerning wells."

§ 15–1.353 Charges for copies, services, etc.

The provisions of 40 CFR 2.111 govern the charges for copies, certifications, time spent in searches for records, and

other expenses in connection with requests for information. Waiver of charges is also governed by that section.

[FR Doc.72-16196 Filed 9-22-72;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5258]

[Idaho 07977]

IDAHO

Withdrawal for National Forest Public Service Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN

Buckhorn Bar Public Service Site

T. 19 N., R. 6 E.,
Sec. 33, E½NW¼SW¼, NE¼SW¼SW¼, SW¼SW¼SW¼.

The area described contains 40 acres in Valley County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1972.

[FR Doc.72-16208 Filed 9-22-72;8:46 am]

[Public Land Order 5260]

[Idaho 08835]

IDAHO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARIBOU NATIONAL FOREST

BOISE MERIDIAN

Scout Mountain Recreation Area Addition

T. 8 S., R. 35 E.,
Sec. 27, SW¼NW¼, W½SE¼NW¼.

Gravel Creek Recreation Area Addition

T. 5 S., R. 43 E.,
Sec. 35, N½SW¼SE¼.

Calamity Campground

T. 1 S., R. 45 E.,
Sec. 17, S½NW¼SW¼, N½SW¼SW¼.

Bear Creek Campground

T. 2 S., R. 45 E.,
Sec. 6, lot 3.

Hoffman Campground

T. 3 S., R. 46 E.,
Sec. 8, NE¼SE¼.

The areas described aggregate 199.89 acres in Caribou, Bannock, and Bonneville Counties.

2. Withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1972.

[FR Doc.72-16210 Filed 9-22-72;8:47 am]

[Public Land Order 5261]

[Colorado 12403, 16268]

COLORADO

Withdrawal of Lands for Protection of Scenic and Geological Features and Public Recreation Values; Revocation of Reclamation Project Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. Subject to valid existing rights, the public lands and the reserved minerals in the patented lands as described below, which are under the jurisdiction of the Secretary of the Interior, are withdrawn from those forms of appropriation under the public land laws as hereinafter specified for protection of the scenic and geological features and public recreation values:

A. The following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws.

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 93 W.,
Sec. 6, lots 8, 9 and 10;
Sec. 7, lots 6 through 18, inclusive;
Sec. 18, lots 1 through 6, inclusive, E½, E½W½;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, SW¼SE¼;
Sec. 20, S½NE¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 21, SE¼NE¼, W½NE¼, W½, SE¼;
Sec. 22, SW¼, SW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½;
Sec. 31, lots 1 through 5, inclusive, NE¼, E½NW¼, SE¼SW¼;
Sec. 32, SW¼NW¼, NW¼SW¼, SE¼SW¼, S½NE¼SW¼, S½SE¼, S½N½SE¼.

T. 15 S., R. 94 W.,
Sec. 1, lots 22, 23, 24, 28, 29 and 33;
Sec. 12, lots 4, 11, 17 and 18;
Sec. 13, lots 1, 2, NE¼, SW¼SW¼, W½SE¼;
Sec. 23, NE¼, S½;
Sec. 24, lots 1, 2, 3, 4, W½E½, W½;
Sec. 25, lots 1, 2, 3, 4, W½E½, W½;
Secs. 26, 35;
Sec. 36, lots 1, 2, 3, 4, W½E½, W½.

NEW MEXICO PRINCIPAL MERIDIAN

T. 50 N., R. 8 W.,
Sec. 6, lots 1 through 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½, E½W½;
Sec. 18, lots 1, 2, 3, 4, E½, E½W½.

T. 51 N., R. 8 W.,
Sec. 7, lots 2, 3, and 4;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 20, NE¼NE¼, NW¼, S½SW¼;
Sec. 21, NW¼NE¼, N½NW¼;
Sec. 29, NE¼NE¼, W½E½, W½;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½
Sec. 31, lots 1, 2, 3, 4, W½NE¼, E½W½, SE¼.

T. 50 N., R. 9 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 11;
Sec. 12, E½, NW¼, N½SW¼, SW¼SW¼.

T. 51 N., R. 9 W.,
Sec. 10, lots 1, 2, 3, 4;
Sec. 11, lots 1, 2, 3, 4;
Sec. 12, lot 4;
Sec. 13, E½, S½SW¼;
Secs. 14, 15, 22;
Sec. 23, N½, SW¼, NW¼SE¼;
Sec. 24, SE¼NE¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 25;
Sec. 26, S½NE¼, NW¼NW¼, S½NW¼, S½;
Secs. 27, 34, 35, 36.

The areas described aggregate approximately 23,881.88 acres.

B. The minerals reserved to the United States in the following described patented lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 93 W.,
Sec. 31, NE¼SW¼, SE¼;
Sec. 32, SW¼SW¼.

NEW MEXICO PRINCIPAL MERIDIAN

T. 51 N., R. 9 W.,
Sec. 12, lots 1, 2, and 3;
Sec. 13, NW¼, N½SW¼;
Sec. 23, SW¼SE¼, E½SE¼;
Sec. 24, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 26, N½NE¼, NE¼NW¼.

The areas described aggregate approximately 1,279.30 acres.

The total of the areas described above aggregate approximately 25,161.18 acres in Delta and Montrose Counties.

2. The order of the Bureau of Reclamation of August 2, 1949, concurred in by the Bureau of Land Management on May 19, 1950, withdrawing lands for the Nado Unit of the Colorado River Storage Project, is hereby revoked so far as it affects the following described lands, most of which are also described in paragraph 1 of this order:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 93 W.,
Sec. 6, lots 8, 9, 10;
Sec. 7, lots 6 through 18, inclusive;
Sec. 18, lots 1 through 6, inclusive, E½, E½W½;
Sec. 19, lots 1 through 4, inclusive, NE¼, E½NW¼, E½SW¼, SW¼SE¼;
Sec. 20, S½NE¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 21, SE¼NE¼, W½NE¼, W½, SE¼;
Sec. 22, SW¼NE¼, SE¼NW¼, W½NW¼, S½;
Sec. 30, lots 1 through 4, inclusive, E½, E½W½;
Sec. 31, lots 1 through 5, inclusive, NE¼, E½NW¼, SE¼SW¼.
T. 15 S., R. 94 W.,
Sec. 1, lots 22, 23, 24, 28, 29, and 33;
Sec. 12, lots 4, 11, 17, and 18;
Sec. 13, lots 1 and 2, NE¼, SW¼SW¼, W½SE¼;
Sec. 23, E½, SW¼;
Sec. 24, lots 1 through 4, inclusive, W½E½, W½;
Sec. 25, lots 1 through 4, inclusive, W½E½, W½;
Secs. 26, 35;
Sec. 36, lots 1 through 4, inclusive, W½E½, W½.

NEW MEXICO PRINCIPAL MERIDIAN

T. 50 N., R. 8 W.,
Sec. 6, lots 1 through 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 through 4, inclusive, E½, E½W½;
Sec. 18, lots 1 through 4, inclusive, E½, E½W½.
T. 51 N., R. 8 W.,
Sec. 18, lots 1 through 4, inclusive, E½, E½W½;
Sec. 19, lots 1, 2, and 4, NE¼, E½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 20, NE¼NE¼, NW¼, S½SW¼, SE¼SE¼;
Sec. 21, N½N½, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 22, N½NW¼, S½;
Sec. 29;
Sec. 30, lots 1 through 4, inclusive, E½, E½W½.
T. 50 N., R. 9 W.,
Sec. 1, lots 1 through 4, inclusive, S½NE¼, S½NW¼, S½;
Sec. 2, lots 1 through 4, inclusive, S½NE¼, S½NW¼, S½;
Sec. 3, lots 1 through 4, inclusive, S½N½, S½;
Sec. 11;
Sec. 12, E½, NW¼, N½SW¼, SW¼SW¼.
T. 51 N., R. 9 W.,
Sec. 10, lots 1 through 4, inclusive;
Sec. 11, lots 1 through 4, inclusive;
Sec. 12, lot 4;
Sec. 13, E½, S½SW¼;
Secs. 14, 15, 22;
Sec. 23, N½, SW¼, NW¼SE¼;
Sec. 24, SE¼NE¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 25;
Sec. 26, S½NE¼, NW¼NW¼, S½NW¼, S½;
Secs. 27, 34, 35, 36.

The areas described aggregate 23,990.30 acres in Delta and Montrose Counties.

Of these lands, the SW¼NE¼, S½NW¼, NE¼SW¼, and E½SE¼, sec. 22, T. 15 S., R. 93 W., Sixth Principal Meridian are privately owned.

3. All of the public lands described above in paragraph 2 that are not withdrawn by paragraph 1 of this order shall at 10 a.m. on October 21, 1972, be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 21, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These public lands have been and continue to be open to location and entry under the U.S. mining laws, and to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1972.

[FR Doc.72-16209 Filed 9-22-72;8:46 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 71-120C]

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Miscellaneous Amendments; Correction

The document amending Part 147 of Title 46 of the Code of Federal Regulations published in the FEDERAL REGISTER on Friday, July 21, 1972 (37 F.R. 14585), was in error. The errors were as follows:

(1) Section 147.01-4(a)(1) stated that all articles listed in § 146.05-100 must be certified. The intention here was to require certification of only those items in § 147.05-100 that state certification is necessary.

(2) In § 147.01-4(a)(1) the reference to § 146.05-100 should read § 147.05-100.

(3) Section 147.03-4(q)(2) required the manufacturers address. This should read the manufacturers name and address.

This document corrects those errors. Therefore, the amendment is changed as follows:

1. By revising § 147.01-4(a) (1) and (2) to read as follows:

§ 147.01-4 Certified articles of ships' stores.

(a) * * *

(1) The following articles listed in § 147.05-100:

(i) Cleaning oil.

(ii) Illuminating oil.

(iii) Paint and varnish and removing compounds (when possessing a flashpoint above 150° F).

(2) Any article that is classed as a radioactive material, class A, B, or C explosive, flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, class A, B, or C poison, combustible liquid or hazardous article and are not listed in 147.05-100.

* * * * *

2. By revising § 147.03-4(q)(2) to read as follows:

§ 147.03-4 Information required in statement.

(q) * * *

(2) Manufacturers name and address.

* * * * *

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: SEPTEMBER 15, 1972.

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

[FR Doc.72-16267 Filed 9-22-72;8:51 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19498; FCC 72-820]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Station, Ballston Spa, N.Y.

Report and order. In the matter of amendment of § 73.202, *Table of Assignments*, FM broadcast stations (Ballston Spa, N.Y.), Docket No. 19498, RM-1796.

1. The Commission has before it for consideration the notice of proposed rule making, released May 12, 1972 (FCC 72-407; 37 F.R. 10006, May 18, 1972), proposing an amendment of § 73.202(b) of the rules, the Table of FM Assignments, by assigning an FM channel to Ballston Spa, N.Y.

2. The rule making proceeding was instituted on a petition filed by Paul F. Godley, Jr., for an assignment of Channel 244A to Ballston Spa. The notice pointed out that Ballston Spa, a community of 4,968 persons and a county seat, had no local broadcast station, and that Saratoga County, in which it is located, had one AM and one FM station at Saratoga Springs and an AM station at Mechanicville. It also stated that the proposed assignment to Ballston Spa would preclude future assignments only on Channel 244A, and that the communities within the precluded area where a channel could be assigned have at least an AM or an FM station assignment or both.

3. In its comments, Community Radio of Saratoga Springs, New York, Inc.

(Community Radio), licensee of Stations WKAJ and WKAJ-FM, Saratoga Springs, N.Y., states that its stations, located in an adjoining community some 5 miles from Ballston Spa, are programed to serve not only the needs of Saratoga Springs but also those of nearby communities including Ballston Spa; that stations' newscasts regularly carry items which concern the Saratoga County region and Ballston Spa; and that WKAJ broadcasts a daily newscast devoted specifically to Ballston Spa at 2 p.m. Community Radio contends that the stations attempt to cover local events concerning Ballston Spa such as play-by-play coverage of the high school football games, public service announcements, school closing information, special programs dealing with issues such as school bond issue, local elections, and similar local events. It states that WKAJ has a weekly call-in program which has featured community leaders from Ballston Spa discussing issues facing that community. In reply, Godley states that a nonprime-time afternoon news broadcast, five or six high school broadcasts per year and occasional participation in a once per week call-in program could hardly be considered evidence of service to Ballston Spa, and that needs of a community cannot be met by programing from a station in another city.

4. Although it has been shown that an AM and an FM station in a neighboring community are providing service with some programing directed to Ballston Spa, it appears that the public interest would be served to provide the community with an opportunity to acquire a first broadcast outlet for local expression. Ballston Spa is the county seat and is located in a county which has grown rapidly within the last decade. An FM channel assignment here would thus provide for a local station which could broadcast programs directed toward meeting the special needs, interests and problems of Ballston Spa and the surrounding area. We will therefore assign Channel 244A to Ballston Spa, N.Y.

5. The authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

6. *Accordingly, it is ordered,* That effective October 31, 1972, the Table of FM Assignments (§ 73.202(b) of the rules) is amended by the addition of the following:

City	*Channel No.*
Ballston Spa, N.Y.	244A

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: September 13, 1972.

Released: September 19, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-16270 Filed 9-22-72;8:51 am]

[1] Commissioners Robert E. Lee and Reid absent.

[Docket No. 19297; FCC 72-816]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations, Modesto and Manteca, Calif.

Memorandum opinion and order. In the matter of amendment of § 73.202, *Table of Assignments,* FM broadcast stations. (Modesto, Manteca, Turlock, and Patterson, Calif.; Albuquerque, N. Mex.; Centerville, Iowa; and Milford, Del.), Docket No. 19297, RM-1611, RM-1612, RM-1622, RM-1625, RM-1661.

1. The Commission has before it for consideration the petition for reconsideration by Kula Broadcasting Corp. (Kula Broadcasting), licensee of AM Station KGMS, Sacramento, and FM Station KSFM, Woodland, Calif., as to that portion of the second report and order in this docket, adopted June 1, 1972 (35 FCC 2d 230, 230-2), assigning Channels 244A and 272A to Modesto and Manteca, Calif., respectively. No opposition to the petition was filed.

2. In support of the petition for reconsideration, Kula Broadcasting requests that the channel assignments to Modesto and Manteca referred to above be reversed or that Channel 261A rather than 272A be assigned to Manteca. Kula Broadcasting seeks this relief because it filed an application to change the transmitter site of Station KSFM (Channel 273), and increase antenna height and power. In this respect, it had agreed with Kelly Broadcasting Co. to lease the transmitter and other equipment of Station KCTC located at Station KCRA-TV's auxiliary transmitter. By letter dated June 28, 1972, the Broadcast Bureau advised the petitioner that the proposed transmitter site would be short-spaced by approximately 9 miles to the Manteca reference point. The petition for reconsideration also recites Kula Broadcasting's efforts to acquire an FM facility to serve the Sacramento standard metropolitan statistical area (SMSA).[1] Kula asserts that Station KSFM from the KCTC site would continue to serve all the area and population presently served while doubling or tripling its present coverage. It further asserts that at its present site power and height increases in the southerly direction are foreclosed, while mountainous terrain west of Woodland is virtually unpopulated.

3. Petitioner points to the second report and order as indicating that the channels assigned to Manteca or Modesto are interchangeable and that the choice was made because a station operating on Channel 244A at Manteca would have to operate from a point approximately 4 miles south and east of that community, whereas a station operating on Channel 272A at Manteca would not. Petitioner also points out that Channel 261A might be assigned to Manteca, but the transmitter would have to be sited 6.5 miles north and east of the city in order to protect Station KBAY, San Jose.

4. As Kula Broadcasting points out, the only reason for having made the assignments the way we did was to avoid having to site a Manteca station at other than the reference point. However, since it appears that the assignments to Manteca and Modesto in this manner would prevent Kula Broadcasting from filing an application for change of transmitter site, increase of height and power there is no reason why the interchange of channels should not be made. Accordingly, we deem it in the public interest to grant the petition for reconsideration. Authority for the adoption of the amendments made is contained in sections 4(i), 303 (g) and (r), 307(b), and 405 of the Communications Act of 1934, as amended.

5. In accordance with the foregoing: *It is ordered,* That, effective October 31, 1972, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended with respect to the cities listed below:

City	*Channel No.*
Modesto, Calif.	272A, 277, 281
Manteca, Calif.	244A

6. *It is further ordered,* That the petition of Kula Broadcasting Corp. is granted.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: September 13, 1972.

Released: September 19, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-16269 Filed 9-22-72;8:51 am]

[1] The SMSA, population 803,149, consists of Sacamento (636,137), Placer (76,218), and Yolo (90,794) Counties. The city of Sacramento population 257,149, has eight FM stations, six AM stations, and one educational FM station. In Placer County, there are AM and FM stations at Auburn (population 6,570) and Roseville (population 17,895). In Yolo, Station KSFM operates at Woodland, population 20,677; Davis, population 23,488, is served by an educational FM station.

[2] Commissioners Robert E. Lee and Reid absent.

[Docket No. 18397, etc.]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Erratum. In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rule making and/or legislative proposals, Docket No. 18397, Docket No. 18397-A; amendment of § 74.1107 of the Commission's rules and regulations to avoid filing of repetitious requests, Docket No. 18373; amendment of §§ 74.1031(c) and 74.1105 (a) and (b) of the Commission's rules and regulations as they relate to addition of new television signals, Docket

No. 18416; amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the community antenna television system field; and/or formulation of legislative proposals in this respect, Docket No. 18892; amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for community antenna television systems, Docket No. 18894.

To correct a typographical error, Appendix B of the Memorandum Opinion and Order on Reconsideration of the Cable Television Report and Order in the above entitled matter, FCC 72-530 (37 F.R. 13848, July 14, 1972), is corrected, as follows (in the table appearing on 37 F.R. 13872), to include Television Station WTVJ, Channel 4, Miami, as a significantly viewed signal in Hendry County, Fla.

SIGNIFICANTLY VIEWED SIGNALS

County	Call letters, channel number, and market name		
FLORIDA			
* * *	* * *		* * *
*Hendry	WINK	11	Fort Myers.
	WBBH	20	Do.
	WTVJ	4	Miami.
	WPTV	5	West Palm Beach:
	WEAT	12	Do.
* * *	* * *		* * *

Released: September 19, 1972.

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

[FR Doc.72-16271 Filed 9-22-72;8:51 am]

Title 49—TRANSPORTATION

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

[Docket No. 71-7; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Truck-Camper Loading; Correction

In F.R. Docket 72-12810 appearing at page 16499 in the issue for Tuesday, August 15, 1972 (§ 571.126), in Figure 1, line 4 should read "Vehicle Safety Standards in Effect on the Date of."

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority, 49 CFR 1.51).

Issued on September 19, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-16268 Filed 9-22-72;8:51 am]

[Docket No. 69-20; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Accelerator Control Systems

The purpose of this notice is to respond to petitions for reconsideration of Motor Vehicle Safety Standard No. 124 (49 CFR 571.124), and to amend the standard to specify time requirements for the return of a vehicle's throttle to the idle position.

On April 8, 1972 (37 F.R. 7097), Motor Vehicle Safety Standard No. 124 was published, establishing requirements for accelerator control systems, effective September 1, 1973. Simultaneously, a notice was published (37 F.R. 7108) proposing that when the driver removes the actuating force from the accelerator control or in the event of a breakage or disconnection in the accelerator control system, the return to idle position shall occur within one-half second.

I. Pursuant to 49 CFR 553.35, petitions for reconsideration of the rule were filed by Alfa Romeo, American Automobile Association (AAA), American Motors Corp., Chrysler Corp., Diamond Reo Trucks, Inc., Ford Motor Co., General Motors Corp. (GM), International Harvester Co., Japan Automobile Manufacturers Association (JAMA), Jeep Corp., Jesse R. Hollins, Mack Trucks, Inc., MacMillan Engineering Lab, Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA) (formerly Automobile Manufacturers Association, Inc.), and Rolls-Royce Motors Ltd.

Favorable consideration has been granted to some of these petitions, and accordingly, the standard is being amended in some minor respects. The Administrator has declined to grant requested relief from other requirements of the standard.

GM and Ford requested that vehicles over 10,000 pounds GVWR be exempted from the standard, while Mach and Diamond Reo requested an exemption for vehicles of 26,000 and 25,000 pounds or more GVWR, respectively. Petitioners argued that since these vehicles are driven by professionally trained drivers, are equipped with engine governors, have a horsepower to weight ratio that does not mandate a fail-safe requirement, and have not been the subject of a defect notification campaign, there is no need for the rule's applicability.

The NHTSA denies petitioners' request. Available information shows that accidents resulting from throttle failure do not occur only among the less experienced drivers, nor are they diminished by the presence of engine governors or by changes in the horsepower-to-weight ratio. Further, these vehicles have been the subject of defect notification campaigns, and accident reports submitted to the Bureau of Motor Carrier Safety disclose that an avearge of two accidents occur per month in which the cause is attributed to "overspeed incidents", indicating the type of failure the standard is designed to eliminate.

Additionally, GM stated that the standard's test requirements are not justified by the possible additional safety benefit that may accrue. They argued that the only method by which it could assure compliance is by immersion of the entire vehicle in a low temperature cell. GM stated that sufficient facilities to conduct such tests on all their vehicles are not available, and even if they were, the test burden is impracticable because of the complications of determining where over the length of the vehicle the ambient temperature measurements should be taken.

The NHTSA does not view Standard No. 124 as a qualification procedure by which a manufacturer can assure himself or his customers that the vehicle now has a fail-safe system. The rule is intended to provide a minimum performance requirement, and does not mandate that assurances of being in compliance must be made by immersing the total vehicle in a low temperature cell. Assurances of compliance may come from other procedures.

Several petitioners provided data showing that it is a common practice in the automobile industry to include the "throttle lever" or "actuating lever" as part of the carburetor. They ask that these devices be interpreted to be part of the fuel metering device so as to afford them greater freedom of design.

The NHTSA agrees with this interpretation. The "throttle lever" or "actuating lever" as described by the petitioners is a component of the fuel metering device.

Additionally, several petitioners requested that the definition of "idle position" be amended to take into consideration delay units or "dash pots" which are frequently used on idle settings to slow the return of the throttle during its last few degrees of rotation to prevent stalling and excessive exhaust emissions. In essence, petitioners request that the return to idle time be measured to the point at which the throttle first comes in contact with the delay unit or "dash pot." This request is in accordance with the intended meaning of the standard. For clarification, the NHTSA is amending the definition of "idle position" to be the specific point of throttle closure at which the throttle first comes in contact with an engine idle speed control device.

Mack and Alfa Romeo petitioned that "hand throttles" and throttle positioners be specifically excluded from the definition of "idle position". Petitioners stated that in the event such a device is used a return to the preset throttle position occurs upon release of the driver-operated accelerator control system. This request is granted. If a driver choose to raise the lowest engine speed threshold by the use of a throttle positioning device, the throttle should return to that new position within the same time requirements specified in section S5.3. Accordingly, the NHTSA is amending the definition of "idle position" to provide for the use of throttle positioners.

JAMA requests that the engine warmup provisions for cold temperatures be clarified, so that it would be possible to conduct tests "after warming up the engine according to the manufacturer's recommendation." Standard No. 124 is silent as to engine warmup, and states only "when the engine is running" as a condition for the test. Although the advantages of following the manufacturer's warmup procedures are recognized, it is felt that in most instances the driving public does not adhere to those recommendations. Therefore, to afford the driving public as broad a

coverage of the rule as is possible, JAMA's petition is denied.

AAA and Chrysler petitioned for an amendment of the ambient temperature range. AAA urged that since colder temperatures are commonplace in Alaska and that hotter temperatures are used by vehicle manufacturers to test fuel system control devices, a more severe temperature range should be established. Chrysler stated that the −40° figure exceeds automotive practice by 30° and asked that a performance level of −10° be established.

In determining the temperature limits to be used, the NHTSA attempted to provide motor vehicle safety without establishing impracticable design goals. Weather data discloses that although temperatures of −40° F. are encountered in many parts of the United States, colder temperatures are unusual. For this reason, −40° F. was determined to be the lowest temperature consistent with the needs of motor vehicle safety. Conversely, vehicle operations in temperatures exceeding 125° F. are also unusual. Accordingly, it was determined that temperature limits of −40° to +125° F. will allow for most climatic conditions encountered in the United States. The petitions are therefore denied.

Several petitioners asked for an interpretation of the phrase "The system shall include at least two sources of energy" in section S5.1 and whether it includes energy sources attached to the fuel metering device. Petitioners stated that a strict interpretation would cause excessive design restrictions. If a return spring attached to the fuel metering device is capable of returning the throttle to its idle position after the failure of other energy sources, it meets the intent of the standard and should not be disallowed. Accordingly, paragraph S5.1 is amended by replacing the phrase "The system shall include at least two sources of energy" with "There shall be at least two sources of energy".

JAMA asked whether, if a system includes three or more springs, each spring must be independently capable of returning the throttle to the idle position. They argued that a system could still remain adequately fail-safe as long as the other springs operating together can meet the requirements. The intent of paragraph S5.1 is to eliminate the driver's dependence on a single accelerator return spring. The NHTSA concurs with JAMA's comments and is amending paragraph S5.1 to make it clear that independent capability of return springs is not required if remaining energy sources are collectively capable of returning the throttle to the idle position.

The standard as issued required that the throttle return to the idle position "whenever any element of the accelerator control system becomes disconnected or broken." Several petitioners seek an interpretation of this wording. GM suggested that a disconnection or breakage within the driver-operated accelerator control system was the only failure mode addressed by the standard. Ford asked whether the requirement was intended to cover failures caused by bending, twisting, jamming, or introduction of foreign matter. The NHTSA's intent is to assure safety under conditions of a single failure due only to a severing or disconnection in the accelerator control system. To clarify this interpretation, the NHTSA is changing the word "breakage" to "severance" in paragraph S1, and the word "broken" to "severed" in the first sentence of paragraph S5.2. Further, the phrase "whenever any element of the accelerator control system" is changed to "whenever any one component of the accelerator control system" for purposes of clarification.

Ford and JAMA petitioned that the effective date of the standard be delayed 1 year. Petitioners stated that additional time was necessary to allow for the creation and confirmation of design changes and to resolve any conflicts with emission control requirements.

The NHTSA considers the complexity of the requirements of standard No. 124 to be minimal and has granted relief on several issues effecting design time, and therefore sees no justification for delaying the effective date of the standard. The petitions are denied.

II. On April 8, 1972 (37 F.R. 7108) a notice was published proposing that when the driver removes the actuating force from the accelerator control or in the event of a breakage or disconnection in the accelerator control system, the return to idle position shall occur within one-half second. Available information indicates that in most instances the time for driver reaction from the accelerator control pedal to the brake is approximately one-half second, and this time was chosen for the proposal. In response to the notice, many commentors objected to the one-half second proposal and stated that it did not adequately take into consideration the viscous nature of lubricants in extremely cold temperatures and the impracticability of this time requirement for the very large systems in heavy trucks and buses. The NHTSA recognizes the validity of these objections, and allowances have accordingly been made for extreme low temperature. An idle time of 3 seconds is established for any vehicle tested or conditioned in ambient air of 0° Fahrenheit or colder.

Large systems, similar to those used on rear-engine buses, have sufficient mass and friction to preclude the possibility of compliance with the one-half second proposal, unless very high spring forces, which would require large changes in pedal forces, are used. Several commentors stated that tests for conformity with the proposed requirements show that compliance would be possible if the maximum time were extended to 2 seconds. The NHTSA finds these comments to have merit, and 2 seconds is established as the maximum return time for vehicles with a GWVR over 10,000 pounds.

Many comments pertaining to passenger car systems stated that the one-half second proposed is too severe a requirement. One commentor stated that extra time will be required if one of the return energy sources fails. It was pointed out that precedent for an extra allowance can be found in the dual braking system requirement, which allows added distance for stopping when half the system has failed. The accelerator standard, however, does not deal with a mechanism with the same redundancy as the braking system and it is felt that the maximum time selected should allow for the possibility of one energy source failing.

There are a large number of models and engine sizes in the passenger car industry, and a large number of variety of accelerator control systems are designed and built each year. One commentor suggested that "* * * a 1-second time limit would considerably increase design options * * *" and "presently accepted pedal feel can be retained.* * *" Accordingly, 1 second has been decided upon as having the qualities of providing a reasonable maximum time for compliance testing of vehicles of 10,000 pounds or less GVWR at temperatures above 0° Fahrenheit.

In response to questions raised by several petitioners, "ambient temperature" is defined as the surrounding air temperature, at a distance such that it is not significantly affected by heat from the vehicle under test. The definition contrasts the ambient temperature, intended to simulate a general outdoor temperature, from temperatures under the hood or otherwise in close proximity to the vehicle.

In consideration of the foregoing, 49 CFR 571.124, Motor Vehicle Safety Standard No. 124, is revised to read as set forth below.

Effective date: September 1, 1973.

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

Issued on September 20, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 571.124 Accelerator control systems.

S1. *Scope.* This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a severance or disconnection in the accelerator control system.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries resulting from engine overspeed caused by malfunctions in the accelerator control system.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Definitions.*

S4.1 "Driver-operated accelerator control system" means all vehicle components, except the fuel metering device, that regulate engine speed in direct response to movement of the driver-operated control and that return the throttle to the idle position upon release of the actuating force.

"Fuel metering device" means the carburetor, or in the case of certain engines, the fuel injector, fuel distributor, or fuel injection pump.

"Throttle" means the component of the fuel metering device that connects to the driver-operated accelerator control system and that by input from the driver-operated accelerator control system controls the engine speed.

"Idle position" means the position of the throttle at which it first comes in contact with an engine idle speed control appropriate for existing conditions according to the manufacturers' recommendations. These conditions include, but are not limited to, engine speed adjustments for cold engine, air conditioning, and emission control, and the use of throttle setting devices.

"Ambient temperature" means the surrounding air temperature, at a distance such that it is not significantly affected by heat from the vehicle under test.

S4.2 In the case of vehicles powered by electric motors, the words "throttle" and "idle" refer to the motor speed controller and motor shutdown, respectively.

S5. *Requirements.* The vehicle shall be equipped with a driver-operated accelerator control system that meets the following requirements when the engine is running under any load condition, and at any ambient temperature between minus 40° Fahrenheit and plus 125° Fahrenheit after 12 hours of conditioning at any temperature within that range.

S5.1 There shall be at least two sources of energy capable of returning the throttle to the idle position within the time limits specified by S5.3, from any accelerator position or speed whenever the driver removes the opposing actuating force. In the event of failure of one source of energy the remaining source or sources shall be capable of returning the throttle to the idle position within the time limits specified by S5.3, from any accelerator position or speed whenever the driver removes the opposing actuating force.

S5.2 The throttle shall return to the idle position from any accelerator position or any speed of which the engine is capable whenever any one component of the accelerator control system becomes disconnected or severed. The return to idle shall occur within the time limit specified by S5.3, measured either from the time of severance or disconnection or from the first removal of the opposing actuating force by the driver.

S5.3 Except as provided below, maximum time to return to idle position shall be 1 second for vehicles of 10,000 pounds or less GVWR, and 2 seconds for vehicles of more than 10,000 pounds GVWR. Maximum time to return to idle position shall be 3 seconds for any vehicle that is exposed to ambient air at 0 to minus 40° Fahrenheit during the test or for any portion of the 12-hour conditioning period

[FR Doc.72-16296 Filed 9-21-72;9:58 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Sabine National Wildlife Refuge, La.

The following special regulations are issued and are effective on the date of publication in the FEDERAL REGISTER (9-23-72).

§ 13.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

LOUISIANA

SABINE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Sabine National Wildlife Refuge is permitted only in areas designated by signs as open to hunting. These areas, comprising approximately 10,000 acres, are delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Waterfowl hunting shall be in accordance with all applicable State and Federal regulations except for the following special conditions:

(1) On designated days, the western portion of the public hunting area will be restricted to hunting ducks, geese, and coots only with the use of 12 gauge shotguns firing iron shot shells. Hunters should contact the Refuge Manager for this schedule.

(2) Hunting of ducks, geese and coots is permitted five half days per week, Wednesday through Sunday, during the periods November 4–26, 1972 and December 16, 1972–January 11, 1973.

(3) Shooting hours: One-half hour before sunrise until 12 noon daily. Hunters may enter the hunting area 2 hours prior to legal shooting time and must depart the hunting area by 1 p.m.

(4) Firearms must be encased or dismantled when carried in transit through refuge canals.

(5) Temporary blinds of native vegetation may be constructed or portable blinds can be carried in for each hunt.

(6) Use of retriever dogs is permitted, but must be under control of hunter at all times.

(7) Livestock, furbearers, and trapping equipment present in the hunting areas shall not be disturbed by hunters.

(8) Running lights will be required on all boats using refuge canals before sunrise.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1973.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1972.

[FR Doc.72-16212 Filed 9-22-72;8:47 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

DETERMINATION OF FILL WEIGHTS

Proposed U.S. Standards

Correction

In F.R. Doc. 72-14227, appearing at page 17055, in the issue of Thursday, August 24, 1972, delete the second subparagraph (2) of § 52.229(b), and insert it under § 52.231(b) (1).

[7 CFR Part 905]

CERTAIN CITRUS FRUITS GROWN IN FLORIDA

Proposed Limitation of Handling

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposals would extend current grade and size limitations for the period October 16, 1972, through September 30, 1973, applicable to oranges, including Navel Oranges (but not including Temple, Murcott Honey, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type), grapefruit, tangerines, and tangelos handled between the production area and any point outside thereof in the continental United States, Canada, or Mexico; and oranges (except Navel, Temple, and Murcott Honey oranges) and grapefruit handled to any destination outside the continental United States, other than to Canada or Mexico.

The proposed grade and size limitations, for the specified varieties of oranges, grapefruit, tangerines, and tangelos are designed to continue in effect the current quality and size requirements for such fruits consistent with (1) the available supply and the demand for such fruits; and (2) improving returns to producers pursuant to the declared policy of the act.

The regulatory proposals are as follows:

§ 905.545 Orange Regulation 71.

(a) Order: During the period October 16, 1972, through September 30, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel, Temple, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel, Temple, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{1}/_{16}$ inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1179).

§ 905.546 Grapefruit Regulation 73.

(a) Order: During the period October 16, 1972, through September 30, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are smaller than 3$^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(4) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2; or

(5) Any seedless grapefruit, grown in the production area, which are smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Grapefruit.

(b) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.783).

§ 905.547 Tangerine Regulation 44.

(a) Order: During the period October 16, 1972, through September 30, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$^{4}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Tangerines.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (7 CFR 51.1810–51.1834).

§ 905.548 Tangelo Regulation 44.

(a) Order: During the period beginning October 16, 1972, through September 30, 1973, no handler shall ship between the production area and any point

outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangelos, grown in production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in production area, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1179).

§ 905.549 Export Regulation 22.

(a) Order: During the period October 16, 1972, through September 30, 1973, no handler shall ship to any destination outside the continental United States, other than to Canada or Mexico:

(1) Any oranges, other than Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the amended U.S. Standards for Florida Oranges and Tangelos;

(3) Any grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any grapefruit, grown in the production area, which are of a size smaller than 3⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Florida Grapefruit.

(b) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter as used herein, shall have the same meaning as is given to the respective terms in the revised U.S. Standards for Florida Grapefruit (7 CFR 51.750–51.783), or the revised U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1179).

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 112A, 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: September 20, 1972.

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

[FR Doc.72–16286 Filed 9–22–72;8:50 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of oranges by establishing regulations recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh 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)).

The proposed grade and size requirements are the same as those currently in effect under § 906.348 Orange Regulation 23 (36 F.R. 19007), effective for the period October 16, 1971, through October 15, 1972. The proposed requirements would be effective for the period October 16, 1972, through October 15, 1973.

Such proposal reads as follows:

§ 906.350 Orange Regulation 24.

(a) Order: During the period October 16, 1972, through October 15, 1973, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No 1 Bronze, U.S. Combination with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(2) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2⁹⁄₁₆ inches in diameter;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.714).

Dated: September 20, 1972.

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

[FR Doc.72–16287 Filed 9–22–72;8:50 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Designate Desirable Free Tonnage for Natural Thompson Seedless Raisins

Notice is hereby given of a proposal to designate a desirable free tonnage for natural Thompson Seedless raisins of 131,340 tons which would be made available as free tonnage during the 1972–73 crop year. This action would be in accordance with the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order," regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Raisin Administrative Committee.

The Committee's recommendation is pursuant to § 989.54 of the order and is based on its review of shipment data, inventory data, and other matters, relating to a desirable free tonnage for natural Thompson Seedless raisins for the 1972–73 crop year.

Shipments of free tonnage natural Thompson Seedless raisins, as reported

by the Committee, were 138,192 tons for the 1971–72 crop year, 130,122 tons for the 1970–71 crop year, and 130,678 tons for the 1969–70 crop year. The proposed desirable free tonnage is based upon the following estimates:

Item	Natural condition tons
1. Free tonnage trade demand	131,250
2. Desirable carryout Aug. 31, 1973	15,000
3. Total requirements	146,250
4. Less carryin Sept. 1, 1972	14,910
5. Desirable free tonnage	131,340

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 10, 1972. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 20, 1972.

FLOYD F. HEDLUUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-16237 Filed 9-22-72;8:49 am]

Commodity Credit Corporation

[7 CFR Part 1488]

[GSM-4; Rev. II]

PRIVATE STOCKS UNDER CCC EXPORT CREDIT SALES PROGRAM

Financing of Sales of Agricultural Commodities

Pursuant to the authority contained in section 5(f), 62 Stat. 1072 and section 4, 80 Stat. 1538, the Commodity Credit Corporation proposes to amend § 1488.5 to GSM-4, Revision II, regulations covering export financing of sales of agricultural commodities under the CCC export credit sales program.

Interested persons may submit written comments, suggestions, or objections related to the proposed amendment to Director, CCC Credit Sales Division, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than 30 days following the publication of this notice in the FEDERAL REGISTER. The comments, suggestions, or objections will be open to public inspection during this 30-day period at the office of the Director from 8:15 a.m. to 4:45 p.m. (local time) of each business day (7 CFR 1.27(b)).

Amendment of § 1488.5 provides for the use of one draft in effecting repayments under the CCC export credit sales program. As amended, § 1488.5 will read as follows:

§ 1488.5 CCC drafts.

Under bank obligations, CCC will draw one draft for the amount due. If any portion of a CCC draft is dishonored, the U.S. bank or branch bank shall return the dishonored draft together with its statement of the reason for nonpayment. If a draft which is drawn under a partially confirmed bank obligation is dishonored, at the request of the confirming bank CCC will replace the draft with separate drafts for the confirmed and uncomfirmed portions. Such replacement shall not alter the confirming bank's obligation for timely payment to CCC for any pro rata share of the dishonored draft. For confirmed amounts, except as provided in § 1488.4 (c) and (d), a U.S. or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or branch bank shall not thereafter have recourse to CCC.

Signed at Washington, D.C., on September 18, 1972.

FRANK G. MCKNIGHT,
Acting Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.

[FR Doc.72-16236 Filed 9-22-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 11]

CERTAIN FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

Proposed Microbiological Quality Standards

Section 401 of the Federal Food, Drug, and Cosmetic Act authorizes the establishment of standards of identity, quality, and fill of container. No standards of quality based on only microbiological factors have been established nor have microbiological factors been included in other standards of quality.

Section 403(h)(1) deems a food to be misbranded if it purports to be or is represented as "a food for which a standard of quality has been prescribed by regulations as provided by section 401, and its quality falls below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard."

Micro-organisms are naturally present in the environment in which food is grown, processed, stored, and consumed, and thus micro-organisms are found in and on foods, raw materials, and ingredients, and food processing equipment surfaces.

Scientific studies by the Food and Drug Administration and other interested parties substantiate that microbial levels in foods are indicative of such elements of quality as: (1) The excellence of the raw materials and ingredients used, (2) the degree of control present at the time of processing, and (3) the distribution and storage conditions experienced by the food.

One of the earliest examples of a microbiological standard for a food is contained in the "Grade A" milk standard which established a maximum limit of micro-organisms in milk.

Public health organizations, Federal, State, and local health officials, industry associations, and other concerned parties have expressed interest in the establishment of microbiological quality standards for certain other foods that have no standards of identity. Concern has been voiced that a unwarranted diversity in microbiological standards would result, if various political subdivisions independently established such standards. Obviously, such variation in microbiological compliance criteria would create confusion, unneeded expense in the marketing of foods, and additional burdens for regulatory agencies, consumers, and industry.

Pathogenic micro-organisms are not factors of microbiological quality, and any food found to contain pathogens is deemed to be adulterated under the provisions of the Act. Therefore, no consideration has been given to pathogens in this proposal.

Foods containing nonpathogenic micro-organisms that have been processed and held under current Good Manufacturing Practices (21 CFR Part 128) are not considered adulterated. Most microorganisms are nonpathogenic, however, when the presence of nonpathogenic organisms in food is related to improper plant manufacturing, or processing practices, the foods have been considered adulterated, within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act, and regulatory action has been initiated. The proposed microbiological quality standards will not affect the concurrent applicability of the adulteration provision of the Act. A food processed, packed, or held under insanitary conditions will be considered adulterated, even though the food is in compliance with the microbiological quality standards.

The Food and Drug Administration recognizes its responsibility under the Act, when in the interest of consumers, to establish standards of quality for foods. Microbial levels in food is a factor that varies inversely with quality.

The diversity of the microbial levels of raw materials and the wide variartion of microbial levels resulting from various

kinds of food processing operations requires that individual micrbiological quality standards be established for different types of foods. Data are actively being accumulated by the Food and Drug Administration for the establishment of microbiological quality standards. All interested persons are invited to submit petitions suitable for use in the establishment of microbiological quality standards.

In order to establish the relationship between levels of nonpathogenic microorganisms and food quality, and to determine the microbiological quality, the Food and Drug Administration has conducted a survey of banana, coconut, chocolate and lemon flavored frozen read-to-eat cream-type pies and unflavored gelatin. Samples represented all manufacturers known to be shipping these products in interstate commerce at the time of the study. The survey data shows less than 2 percent of the pie samples had an aerobic plate count (geometric mean) exceeding 50,000 per gram, and approximately 10 percent of the pie samples had a coliform count (geometric mean) exceeding 50 per gram. The survey data on the unflavored gelatin indicates that none of the samples had an aerobic plate count (geometric mean) exceeding 4,800 per gram, and no coliform organisms were found in any samples. Clearly, modern food technology is available that will allow producers to meet the proposed criteria of the proposed standards. The data are on file with the Hearing Clerk and are available for review.

On the basis of the surveys and other available information the Commissioner of Food and Drugs is of the opinion that reasonable grounds exist for proposing that microbiological quality standards be established for these foods, which have no standards of identity. Accordingly, in order to promote honesty and fair dealing in the interest of consumers the Commissioner of Food and Drugs proposes:

1. To establish standards of microbiological quality for banana, coconut, chocolate and lemon frozen, ready-to-eat cream-type pies as follows:

(a) Aerobic Plate Count (geometric mean) $\leq$50,000 per gram.

(b) Coliform Count (geometric mean) $\leq$50 per gram.

2. To establish standards of microbiological quality for unflavored gelatin as follows:

(a) Aerobic Plate Count (geometric mean) $\leq$3,000 per gram.

(b) Coliform Count (geometric mean) $\leq$10 per gram.

The microbiological standard of quality for these foods would prescribe the maximum allowable level of specified micro-organisms and/or specified taxonomic groups thereof, and would represent the lowest acceptable microbiological quality for the foods that would not require substandard quality labeling.

The Commissioner of Food and Drugs concludes that for purposes of this proposal it is not necessary to establish standards of identity for the products involved. Product descriptions included in the proposed regulations are intended only for purposes of the microbiological quality standards. They are not standards of identity for the products involved. The products are described only to designate the class of foods to which the quality standards apply. Should a standard of identity later be established for any of these foods, the standard of quality would be recodified to appear in juxtaposition with the identity standard.

The general statement of substandard quality "Below Standard in Quality—Good Food Not High Grade" now provided for by 21 CFR 10.7 is not considered appropriate for labeling of foods deviating from microbiological quality standards. The consumer ordinarily cannot detect such microbiological quality, therefore, the Commissioner of Food and Drugs believes that for the purpose of promoting honesty and fair dealing in the interest of consumers a factual statement concerning the microbiological quality should be used in all cases instead of the general statement provided for by 21 CFR 10.7. For this requirement the Commissioner of Food and Drugs proposes the statement "Below Standard in Quality—Contains Excessive Bacteria."

The provisions of 21 CFR 10.7 also specify type size requirements for the statement of substandard quality. Experience with the requirements for label letter size, as specified under regulations promulgated under the provisions of the Fair Packaging and Labeling Act, indicates that printed label letter size measurements are a more precise manner of specifying the requirements for, and making measurements of, the required label information. Comments are invited on both the proposed manner of label declaration and that now existing in 21 CFR 10.7.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(h), 701, 52 Stat. 1046, 1047, and 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343(h), 371) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes to establish the following new Part 11, in Chapter I, of Title 21, of the Code of Federal Regulations:

PART 11—MICROBIOLOGICAL QUALITY STANDARDS FOR FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

Subpart A—General

Sec.
11.1 General principles.

Subpart B—Microbiological Quality Standards

11.5 Frozen ready-to-eat banana, coconut, chocolate, or lemon cream type pies.
11.6 Food grade gelatin.

AUTHORITY: The provisions of this Part 11 issued under secs. 401, 403(h), 701, 52 Stat. 1046, 1047, and 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343(h), 371.

Subpart A—General

§ 11.1 General principles.

General principles governing foods for which microbiological quality standards are established in Subpart B of this part, or in other parts of the chapter are as follows:

(a) Micro-organisms are naturally present in the environment in which food is grown, processed, stored, and consumed, and thus micro-organisms are found in and on foods, raw materials and ingredients, and food processing equipment surfaces. Scientific studies by the Food and Drug Administration and other interested parties substantiate that microbial levels in foods are indicative of such elements of quality as: (1) The excellence of the raw materials and ingredients used, (2) the degree of control present at the time of processing, and (3) the distribution and storage conditions experienced by the food.

The diversity of the microbial levels of raw materials, and the wide variation of microbial levels resulting from various kinds of food processing operations, requires that individual microbiological quality standards be established for different types of foods.

(b) Microbiological standards of quality prescribed for foods in this part set maximum allowable levels of specified micro-organisms and/or specifix taxonomic groups thereof that represent the lowest acceptable microbiological quality for the foods not requiring substandard quality labeling. The general statement of substandard quality "Below Standard in Quality—Good Food Not High Grade" now provided for by § 10.7 of this chapter is not considered appropriate for labeling of foods deviating from microbiological quality standards. In order to promote honesty and fair dealing in the interest of consumers, when the microbiological quality is below that prescribed by the standard, the label shall instead bear the following statement of substandard quality: "Below Standard in Quality—Contains Excessive Bacteria." The statement of substandard quality shall appear on the principal display panel or panels and shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name of the food. The statement shall be printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" constitute the first line and the second immediately follows. The words in the two-line statement shall be in letters which are not less in height than those required for the declaration of the net quantity of contents as specified in § 1.8b of this chapter. The two-line statement shall be enclosed within lines, not less than one-sixteenth inch in width, forming a rectangle. The statement, with enclosing lines, shall be printed on a strongly contrasting, uniform background. The general statement provided for by § 10.7 of this chapter shall not be used to designate a food that is below the microbiological quality unless the standard specifically provides for such use.

(c) Product descriptions included in the regulations are intended only to designate the class of foods to which the quality standards apply, and are not standards of identity for the products involved. Should a standard of identity later be established for any of these foods, the standard of quality will be recodified to appear in the same part of the regulations.

(d) Compliance with microbiological quality standards does not excuse failure to observe either the requirement of section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act that food may not be prepared, packed, or held under insanitary conditions, or the provisions of Part 128 of this chapter requiring that food manufacturers must observe current good manufacturing practices. For example, evidence obtained through factory inspection indicating such a violation renders the food unlawful, even though the food contains levels of microorganisms lower than those prescribed by the standards.

(e) Regulations under Subpart B of this part may be proposed or amended by the Commissioner of Food and Drugs either on his own initiative or on behalf of other interested persons who have submitted a petition. Any such petition must include a proposed regulation for a food together with an adequate factual basis to support the petition in the form set forth in § 2.65 of this chapter and will be published for comment if it contains reasonable grounds for the proposed regulation.

Subpart B—Microbiological Quality Standards

§ 11.5 Frozen ready-to-eat banana, coconut, chocolate, or lemon cream type pies.

(a) For the purposes of this section a frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pie is a frozen ready-to-eat pie that is labeled as and/or has the physical and compositional characteristics of a cream type pie, including but not limited to semisolid filling and/or topping, and contains flavoring and/or fruit ingredients corresponding to the banana, coconut, or lemon flavor representation made for such pie. It is made with or without a crust.

(b) Frozen ready-to-eat- banana, coconut, chocolate, and lemon cream-type pies shall, when 10 units representative of a given lot are examined by the methods described on page 843 (41.015 and 41.016) of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, meet standards of microbiological quality as follows:

(1) Aerobic plate count (geometric mean) $\leq$ 50,000 per gram.

(2) Coliform count (geometric mean) $\leq$ 50 per gram.

(c) If the microbiological quality of the cream type pies defined in paragraph (a) of this section falls below the standard as prescribed by paragraph (b) of this section, the label shall bear the statement of substandard quality specified in § 11.1(b).

§ 11.6 Food grade gelatin.

(a) For the purposes of this section food grade gelatin is the high quality edible ground product that is labeled as and/or has the physical and compositional characteristics of gelatin. It is extracted from animal bones and tissues in accordance with current good manufacturing practices. In hot solution it does not have a foreign odor, is clear and of light color.

(b) When 10 units, representative of a given lot, are examined they must meet standards of microbiological quality as follows:

(1) Aerobic plate count (geometric mean) $\leq$3,000 per gram.

(2) Coliform count (geometric mean) $\leq$10 per gram, MPN.

In the preparation of a sample of gelatin for examination, 10 grams are weighed out aseptically into a 90 milliliter sterile water blank containing glass beads held at 45° C., with intermittent shaking for not more than 15 minutes. Samples are examined in accordance with the methods described on page 843 (41.015 and 41.016) of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970.

(c) If the microbiological quality of gelatin falls below the standard as prescribed by paragraph (b) of this section, the label shall bear the statement of substandard quality specified in § 11.1(b).

Interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, and 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: September 18, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-16258 Filed 9-22-72;8:53 am]

[21 CFR Part 167]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Procedures for Developing Statements of Policy or Interpretative Regulations

Correction

In F.R. Doc. 72-12903 appearing at page 16613 of the issue for Thursday, August 17, 1972, the line "step description of the test procedure", which appears immediately before § 167.3(c)(13), should be transferred so as to become the second line of § 167.3(c)(13).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-RM-13]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Brookings, S. Dak., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

An amendment to the VOR Runway 12 approach procedure and establishment of a VOR Runway 30 approach procedure for the Brookings Airport requires a modification to the Brookings, S. Dak., control zone and transition area to provide controlled airspace protection for aircraft conducting these procedures.

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

In § 71.171 (37 F.R. 2056) the description of the Brookings, S. Dak., control zone is amended to read:

BROOKINGS, S. DAK.

That airspace within a 5-mile radius of Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 2.5 miles each side of the Brookings VOR 316° radial extending from the 5-mile-radius zone to 7 miles northwest of the VOR and within 2.5 miles each side of the Brookings VOR 118° radial extending from the 5-mile-radius zone to 8.5 miles southeast of the VOR. This control zone is effective during the specific dates and times established

in advance by a notice to airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (37 F.R. 2143) the description of the Brookings, S. Dak., transition area is amended to read:

BROOKINGS, S. DAK.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 4.5 miles northeast and 9.5 miles southwest of the Brookings VOR 316° radial extending from the 9.5-mile-radius area to 18.5 miles northwest of the VOR; within 9.5 miles southwest of the Brookings VOR 300° radial extending from the 9.5-mile-radius area to 18.5 miles northwest of the VOR and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Brookings VOR 118° radial extending from the 9.5-mile-radius area to 18.5 miles southeast of the VOR.

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

Issued in Aurora, Colo., on September 15, 1972.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc.72-16241 Filed 9-22-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-27]

ALTERATION OF TRANSITION AREA

Withdrawal of Notice of Proposed Rule Making

On July 14, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 13805) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Yuma, Ariz., transition area.

Subsequent to the issuance of the NPRM it has been determined that an instrument landing system (ILS) is to be installed to serve Yuma MCAS/Yuma International Airport. Because of this and alteration of the current VOR approach procedure, the FAA has determined that rule making action on the proposed amendment is not appropriate at the present time, and that the notice should be withdrawn.

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

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 72-WE-27 (37 F.R. 13805) is withdrawn.

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

Issued in Los Angeles, Calif., on September 12, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-16242 Filed 9-22-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-58]

TRANSITION AREA

Proposed Designation

Correction

In F.R. Doc. 72-14444 appearing on page 17214 of the issue for Friday, August 25, 1972, the abbreviation "Ariz.", which appears at the end of the first paragraph, in the title of the transition area, and in the penultimate line of the sixth paragraph should, in each of those three instances, read "Ark."

Federal Railroad Administration

[49 CFR Part 213]

[Docket RST-1A, Notice 2]

TRACK SAFETY STANDARDS

Revised Date for Public Hearing

On September 5, 1972, the Federal Railroad Administration issued a notice of proposed rule making to modify certain of the requirements in Part 213 (37 F.R. 18397, 18634). It was stated in that notice that a public hearing would be held at 10 a.m. on September 22, 1972, Room 5332, 400 Seventh Street SW., Washington, DC, to give all interested persons an opportunity for oral comment.

This week the Association of American Railroads filed a written request that the hearing date be postponed, pleading insufficient time for preparation of remarks by member railroads. The FRA set an early hearing date to hasten the time involved in the proceedings. This was considered necessary if those proposals which are adopted were to become effective on October 16, 1972, the effective date of most of Part 213 for track existing or under construction on October 15, 1971.

Because thus far no person has expressed an intention to participate at the hearing on September 22, and in view of the AAR request, the public hearing scheduled for September 22, 1972, is hereby cancelled. The new time and place for the oral hearing is 10 a.m. on October 6, 1972, Room 5332, 400 Seventh Street SW., Washington, DC. Persons who wish to make statements at that time should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, by October 5, 1972, indicating the amount of time that will be required for their presentations. The hearing will be conducted as set forth in the original notice of hearing, 37 F.R. 18398.

(Sec. 202, 84, Stat. 971, 45 U.S.C. 431, § 1.49(n), of the regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(n))

Issued in Washington, D.C., on September 20, 1972.

JOHN E. ROURKE,
Chairman,
Railroad Safety Board.

[FR Doc.72-16292 Filed 9-22-72;8:53 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Dockets Nos. 19129, 16070]

AMERICAN TELEPHONE & TELEGRAPH CO. AND COMMUNICATIONS SATELLITE CORP.

Extension of Time for Filing Reply Comments

Order. In the matter of American Telephone & Telegraph Co. and the Associated Bell System Companies, Docket No. 19129; charges for interstate telephone service, Transmittals Nos. 10989 and 11027; and Communications Satellite Corp., Docket No. 16070; investigation into charges, practices, classifications, rates, and regulations.[1]

1. The Commission has before it a motion to reject the written testimony of Dr. Stewart C. Myers in Docket No. 16070, which was filed on August 22, 1972, by the Common Carrier Bureau's Trial Staff assigned to Docket No. 19129; an addenum to the motion filed September 11, 1972; comments in support of the motion filed on August 23, 1972, by the Common Carrier Bureau Trial Staff assigned to Docket No. 16070; and a motion of the Communications Satellite Corp. (Comsat) for extension of time filed August 30, 1972.

2. It appears that Comsat requests an extension of time until September 29, 1972, in which to respond to the above-described motion; that good cause has been shown; and that the request is unopposed.

3. *It is ordered,* Pursuant to § 0.303(b) of the Commission's delegations of authority, that the request is granted, and the time for filing of the Comsat response is extended to September 29, 1972.

Adopted: September 12, 1972.

Released: September 14, 1972.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.72-16272 Filed 9-2-72;8:53 am]

[1] Previous publications in this matter include the following: Order Instituting Investigation, published at 36 F.R. 1282 (Jan. 27, 1971, FCC 71-64); Memorandum Opinion and Order Specifying Issues, 36 F.R. 1282 (Jan. 27, 1971, FCC 71-74); and Memorandum Opinion and Order, 37 F.R. 15194 (July 28, 1972, FCC 72-662).

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-405]

RELIABILITY OF ELECTRIC AND GAS SERVICE

Order Updating Nationwide Investigation

SEPTEMBER 12, 1972.

In our notice of investigation and proposed rule making with respect to developing emergency plans which was issued in this docket on November 4, 1970, we sought with regard to the natural gas industry to elicit information so as to enable us to assess the adequacy and reliability of the gas supply and deliverability to meet consumer demand for the oncoming winter season and four winters following. Evidence of anticipated curtailment of necessary service impelled the Commission to take affirmative steps in the public interest to obtain reliable factual information regarding the sources of available gas and the facilities existing and planned to deliver such gas to meet consumer demands and to determine the terms and conditions of a rule or rules necessary to avoid or minimize the consequences of any emergencies that may develop. Amendments of the Commission's regulations proposed in this docket are still under Commission consideration.

Pursuant to this action and in the implementation thereof Commission investigatory officers designated in the notice by letter dated November 20, 1970, directed 75 gas producers, representing all of the large gas producers whose individual jurisdictional sales of natural gas totaled in excess of 10 million Mcf annually, to respond thereto on forms designed to elicit the information necessary for Commission consideration. The responses were designed to cover separately the two time frames set forth in the notice.

The responses received pursuant to the said letter were particularly useful to the Commission in enabling it to assess problems which have arisen as a result of shortages in the gas supply and to take steps designed to meet them.

However, the industry has been unable to meet consumer demands. This has been amply evidenced by the filing pursuant to Order No. 431 by 27 of the natural gas pipeline companies subject to Commission jurisdiction of curtailment proposals. To enable the Commission to supplement its information, it is essential in the public interest for a better understanding of the problems prevailing in the industry that data almost identical in form to that previously supplied be submitted for evaluation and appropriate action. For the purpose of this continued investigation the current data should relate also to two time periods, one as of December 31, 1971, and the other as of June 30, 1972. Accordingly:

It is ordered, That:

1. The investigation initiated by notice issued on November 4, 1970, in Docket No. R-405 be updated by the filing by the natural gas companies listed in Appendix A of responses to the questionnaires set forth in Appendix B, and that such responses be submitted in hand to Mr. Lawrence R. Mangen at Room 2071, 441 G Street NW., Washington, DC, in a sealed envelope plainly marked "Confidential" on or before October 6, 1972. However, it should be noted that certain minor geographic changes have been made to the questionnaires separating the Federal offshore zones from State offshore zones. Any questions regarding said form should be directed to Mr. Mangen, who may be reached by telephone at 202—386-6172.

2. For the purposes of this investigation no responses submitted in compliance herewith shall be made available for inspection or copying by the public; individual company information received as a result of this continued investigation will be maintained in confidential status in accordance with the provisions of section 8(b) of the Natural Gas Act, 15 U.S.C. 717g(b), and the Freedom of Information Act, 5 U.S.C. 552(b) (4) and (9). It should be noted that unlike the previous filing all responses will be made at the Federal Power Commission Offices in Washington, D.C.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A-1

Amerada Hess Corp.
American Petrofina Co. of Texas.
Amoco Production Co.
Anadarko Production Co.
Ashland Oil & Refining Co.
Atlantic-Richfield Co.
Austral Oil Co., Inc.
Aztec Oil & Gas Co.
Bass Enterprises Production Co.
Belco Petroleum Corp.
Beta Development Co.
Cabot Corp.
California Co., Division Chevron Oil Co.
Champlin Petroleum Co.
Chevron Oil Co.
Cities Service Co.
Cities Service Oil Co.
Clinton Oil Co.
Coastal States Gas Producing Co.
E. Cockrell, Jr.
Colorado Oil & Gas Corp.
Coltexo Corp.
Columbia Gas Development Corp.
Continental Oil Co.
Edwin L. Cox.
Diamond Shamrock Corp.
Dorchester Gas Production Co.
Exchange Oil & Gas Co.
Forest Oil Corp.
General American Oil Co. of Texas.
Getty Oil Co.
Gulf Oil Corp.
Hassie Hunt Trust.
Helmerich & Payne, Inc.
J. M. Huber Corp.
Humble Oil & Refining Co.
Hunt Oil Co.
The Jupiter Corp.
Kerr-McGee Corp.
Lone Star Producing Co.
Louisiana Land & Exploration Co.
LVO Corp.
Mapco Production Co.
Marathon Oil Co.
Mobil Oil Corp.
Monsanto Co.
Natural Gas & Oil Corp.
Northern Natural Gas Prod. Co.
Ocean Drilling & Exploration Co.
Petroleum, Inc.
Phillips Petroleum Co.
Pioneer Production Corp.
Placid Oil Co.
Pennzoil Producing Co.
Pennzoil United, Inc.
Pubco Petroleum Corp.
The Rodman Corp.
Shell Oil & Gas Co.
Signal Oil & Gas Co.
Skelly Oil Co.
Sohio Petroleum Co.
Southern Natural Gas, Joint Venture
Southern Union Gathering Co.
Southern Union Production Co.
Suburban Propane Gas Corp.
Sun Oil Co.
Tenneco Oil Co.
Tennessee Gas Supply Co.
Terra Resources, Inc.
Texaco, Inc.
Texas Gas Exploration Corp.
Texas Oil & Gas Corp.
Transocean Oil, Inc.
The Superior Oil Co.
Union Carbide Petroleum Corp.
Union Oil Co. of California.
Union Pacific Railroad Co.
Union Texas Petroleum.
Warren Petroleum Corp.

APPENDIX B

Q. A. Will you please state your name, the name of your company, and your position with the company?

Q. B. Are you authorized by your company to furnish the information requested in the following interrogatories?

Q. C. If not, will you please state the name or names of the official or officials of your company who have such information?

Q. D. Do you understand that the investigating officer will combine the information obtained from you with information obtained from others and file a comopsite report in the public files in Docket No. R-405?

CERTIFICATION

I certify that the information hereon is correct to the best of my knowledge.

Q. E. Will you please state the net working interest volumes, including associated royalty interest volumes, of proved recoverable reserves of nonassociated natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of December 31, 1971, for the areas hereinafter designated? (For the purpose of questions E-J, the term "proved reserves" is used as defined by the Committee on Natural Gas Reserves of the American Gas Association and such definition is set forth on Appendix B-8 of this letter. The volumes held "available for sale" in questions E-J are those which are not covered by gas purchase contracts and are not reserved for direct industrial contracts, not company use-warranty gas or not company use-fuel and feedstock.)

What are the volumes in:
1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California.[2]
   a. Federal.
   b. State.
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana.[2]
   a. Federal.
   b. State.
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 5?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
   a. Federal.
   b. State.
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

Q. F. Will you please state the net working interest volumes, including royalty interest volumes, of proved recoverable reserves of associated and dissolved natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of December 31, 1971, for the areas hereinafter designated?

What are the volumes in:
1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal.
   b. State.
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
   a. Federal.
   b. State.
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad Districts Nos. 8, 8A, 7B, and 7C?
30. Texas Railroad Districts Nos. 5 and 6.
31. Texas Railroad Districts Nos. 1, 2, 3, and 4?
32. Offshore Texas? [2]
   a. Federal.
   b. State.
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

Q. G. Will you please state the total net working interest volumes, including royalty interest volumes, of proved recoverable reserves of nonassociated and of associated and dissolved natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of December 31, 1971, for the areas hereinafter designated?

What are the volumes in:
1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal.
   b. State.
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
   a. Federal.
   b. State.
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad Districts Nos. 8, 8A, 7B, and 7C?
30. Texas Railroad Districts Nos. 5 and 6?
31. Texas Railroad Districts Nos. 1, 2, 3, and 4?
32. Offshore Texas? [2]
   a. Federal.
   b. State.
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

Q. H. Will you please state the net working interest volumes, including royalty interest volumes, of proved recoverable reserves of nonassociated natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of June 30, 1972, for the areas hereinafter designated?

What are the volumes in:
1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal.
   b. State.
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
   a. Federal.
   b. State.
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad Districts Nos. 8, 8A, 7B and 7C?
30. Texas Railroad Districts Nos. 5 and 6?
31. Texas Railroad Districts Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
   a. Federal.
   b. State.
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

Q. I. Will you please state the net working interest volumes, including royalty interest volumes, of proved recoverable reserves of associated and dissolved natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of June 30, 1972, for the areas hereinafter designated?

What are the volumes in:
1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
   a. Federal.
   b. State.
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?

---

[1] For the purpose of questions 2 and 3, Arkansas is divided between north and south by base line separating townships North and South.

[2] For the purpose of this question, the offshore area shall be measured form the coastline seaward.

[3] For the purpose of questions 23–25, Oklahoma is divided between eastern and western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[4] For the purpose of this question, the miscellaneous areas shall include Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee, and Washington.

19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
    a. Federal.
    b. State.
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

Q. J. Will you please state the total net working interest volumes, including royalty interest volumes, of proved recoverable reserves of nonassociated and of associated and dissolved natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of June 30, 1972, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
    a. Federal.
    b. State.
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
    a. Federal.
    b. State.
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
    a. Federal.
    b. State.
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

PROVED NATURAL GAS RESERVES AVAILABLE FOR SALE [1]

(MMCF at 14.73 p.s.i.a., 60° F.)

State	Volumes as of December 31, 1971			Volumes as of June 30, 1972		
	Non-associated	Associated-dissolved	Total	Non-associated	Associated-dissolved	Total
Alaska						
Arkansas: [3]						
Northern						
Southern						
California						
Offshore Calif. [2]						
a. Federal						
b. State						
Colorado						
Illinois						
Indiana						
Kansas						
Kentucky						
Louisiana:						
North						
South						
Offshore [2]						
a. Federal						
b. State						
Michigan						
Mississippi						
Montana						
Nebraska						
New Mexico:						
Northwest						
Southwest						
New York						
North Dakota						
Ohio						
Oklahoma: [4]						
Panhandle						
Anadarko						
Eastern						
Pennsylvania						
Texas:						
RR. District No. 9						
RR. District No. 10						
RR. District Nos. 8, 8A, 7B, 7C.						
RR. District Nos. 5, 6						
RR. District Nos. 1, 2, 3, 4						
Offshore [2]						
a. Federal						
b. State						
Utah						
Virginia						
West Virginia						
Wyoming						
Miscellaneous [5]						
Total						

[1] For the purpose of questions 2 and 3, Arkansas is divided between north and south by base line separating townships North and South.

[2] For the purpose of this question, the offshore area shall be measured from the coastline seaward.

[3] For the purpose of questions 23–25, Oklahoma is divided between eastern and western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[4] For the purpose of this question, the miscellaneous areas shall include Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee, and Washington.

[1] *Proved Reserves* are, using the definition of the Committee on Natural Gas Reserves of the American Gas Association, as follows:

"The current estimated quantity of natural gas which analysis of geologic and engineering data demonstrate with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Reservoirs are considered proved that have demonstrated the ability to produce by either actual production or conclusive formation test.

"The area of a reservoir considered proved is that portion delineated by drilling and defined by gas-oil, gas-water, or oil-water contracts or limited by structural deformation or lenticularity of the reservoir. In the absence of fluid contracts, the lowest known structural occurrence of hydrocarbons controls the proved limits of the reservoir. The proved area of a reservoir may also include the adjoining portions not delineated by drilling but which can be evaluated as economically productive on the basis of geological and engineering data available at the time the estimate is made. Therefore, the reserves reported by the Committee include total proved reserves which may be in either the drilled or the undrilled portions of the field or reservoir."

Consistent with procedures of the Committee on Natural Gas Reserves of the American Gas Association, Proved Reserves do not include the "portions of the reservoir hydrocarbon gas recovered in liquid form in surface separators or plant facilities".

Proved Natural Gas Reserves Available for Sale shall be reported as the reporting company's working interest including royalty. The volumes held "available for sale" are those which are not covered by gas purchase contracts and are not reserved for direct industrial contracts, company use-warranty gas or company use-fuel and feedstock.

[2] Arkansas is divided between North and South by base line separating townships North and South.

[3] Offshore areas shall be measured from the coastline seaward.

[4] Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[5] Includes Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee, and Washington.

[FR Doc.72-16068 Filed 9-22-72;8:45 am]

[18 CFR Part 2]

[Docket No. R-454]

ELECTRIC ENERGY CONVERSION AND CONSUMPTION PROCESSES IN THE CONSERVATION OF NATURAL RESOURCES

Proposed Policy Statement and Request for Comments

SEPTEMBER 14, 1972.

Summary. This notice submits for public comment a proposed policy statement of the Commission relative to energy resource development and utilization, principally in the form of electric energy. In doing so, the Commission seeks to develop, through general comment and public participation, a public appreciation of the inherent problems which the Nation's electric utility industry faces in meeting projected electric energy requirements; the spectrum of areas within which operating utilities and manufacturers of electric generation and transmission equipment may pursue and develop improved technologies leading to increased physical efficiencies in the rendition of electric utility service; the range of possible courses of action which may be followed by manufacturers of electric energy consuming equipment, architects, engineers, building material suppliers, contractors, and ultimate consumers of electric energy so as to maximize realizable efficiencies in the utilization of electric energy; the role of rate design in the conservation and efficient utilization of energy resources; and the areas of public or governmental policy which may influence or control the foregoing. Overall, the Commission's basic purpose is to identify and articulate principles of prudent conduct which may be generally accepted on a voluntary basis in the further development of the Nation's primary energy resources, the conversion of those resources into electric energy and public consumption thereof.

The basic authority of the Commission to initiate this proposed policymaking action is the Federal Power Act, 16 U.S.C. 791(a) et seq., particularly 16 U.S.C. 824(a)(a), 825h, 825j (49 Stat. 848, 858, 859), and the Administrative Procedure Act, 5 U.S.C. 553. The responses received will be major determinants in the formulation of such policies as may be finally adopted by the Commission herein.

National policies. The Preisdent's Clean Energy and Environmental Protection messages of June 4, 1971,[1] and February 8, 1972,[2] respectively, show the urgent need for continued evolution in the prudent development and utilization of the Nation's energy resources as well as the implementation of coordinated governmental energy programs. Numerous legislative proposals are now before the Congress relative to energy policies and congressional study of energy matters are proceeding. Being an industrialized society, this Nation is energy dependent and energy sensitive. The well-being of its citizens rests upon an energy production base. The latter drives the economy and provides the means to accomplish other national objectives. See for example, the full-employment goals as stated in the Employment Act of 1946, 60 Stat. 23, 15 U.S.C. 1021 et seq., the environmental protection objectives of the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., and economic goals of the Economic Stabilization Act Amendment of 1971, 85 Stat. 743.

The articulation of energy conservation concepts in this proceeding will be of substantial assistance to the Commission and all who appear before it in the discharge of established regulatory programs of this Commission, and in the conduct of the Commission's new National Power Survey.[3] The concepts should be of major assistance to other agencies of government, Federal, State, and local. As noted in the Commission's 1970 National Power Survey (p. I-1-10):

> * * * the electric power industry, though diverse in character, is unique in that it is the Nation's largest industry and provides essentially one single standard product—electric power on instant demand—which is essential to the continuing effective operation and orderly growth of the Nation. The past performance, present capabilities for public service, and resilience of the Nation's electric power supply system provide substantial hope that the enormous demands and critical conditions (including conservation of resources and protection of environmental values) can be met by a still better industry of the future. But none of these underlying factors can be taken for granted. They require vigorous and coordinated attention to insure that it is the public's true overall interest and not one segment of it that is served.

Federal Power Act. The provisions of the Federal Power Act charge the Commission with broad responsibilities leading to the development of "* * * an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources * * *." 16 U.S.C. 824a(a). Underlying considerations of the Congress in the enactment of the Federal Power Act were to further prudent use of resources, enhance social and economic stability of the Nation, and provide for the common defense and security. To these ends, the Act also directs the Commission to:

> * * * secure and keep current information regarding the ownership, operation, management, and control of all facilities for such generation, transmission, distribution, and sale; the capacity and output thereof and the relationship between the two; the cost of generation, transmission, and distribution; the rates, charges, and contracts in respect of the sale of electric energy and its service to residential, rural, commercial, and industrial consumers and other purchasers by private and public agencies; and the relation of any or all such facts to the development of navigation, industry, commerce, and the national defense. [16 U.S.C. 825j]

The problem. Energy consumption in this Nation has increased as the Nation's output of goods and services has increased. The historical growth trend of electricity demand—doubling every 10 years—approximates about twice the long-term growth of the Nation's gross national product measured in real terms. Growth projections set forth in the 1970 National Power Survey indicate that this relationship is unlikely to be altered significantly during the current decade.

Demand pressures make unlikely the continued availability of abundant amounts of electric energy to supply the Nation's requirements at historically low costs. Increased energy demands and public concerns for environmental protection necessitate new technological approaches to the electric energy supply problem and possibly new rate designs which more accurately take into account the environmental costs of producing and distributing ever larger quantities of electricity. They also prompt new concerns for efficient utilization of the energy that is produced. Costs, technology, and environmental considerations are inextricably interrelated.

In broad context, conservation of energy resources necessitates particular consideration of inter alia the endemic economic factors affecting specific energy users whether residential, commercial, or industrial; the economics of geographic location of primary fuel resources and existing transportation facilities therefor, whether through movement in their primary state or after conversion into some other form such as electric energy; the technological and financial capability of locating and developing new primary energy sources; the technological capability of effecting higher efficiencies in energy conservation and in useful work performed by energy consumption; the appropriateness of existing rate designs in the conservation of electricity; and the development of increased capacity on the part of all persons to comprehend the foregoing relationships. Governmental regulatory, tax and environmental policies cannot be ignored since accepted norms of human conduct and commercial activity in any given time period tend to be largely a reflection of past technologies, governmental policies and human activities. Conservation of resources requires recognition, particularly consumer cost awareness, that all energy prices, including electric energy, involve social and environmental implications, some of the costs of which have been ignored heretofore. These costs have historical consequences and may have significant

[1] U.S. Code Congressional and Administrative News, 92d Cong., 1st sess., No. 5, p. 931 (June 4, 1971).

[2] U.S. Code Congressional and Administrative News, 92d Cong., 2d sess., No. 2, p. 605 (Feb. 8, 1972).

[3] The Commission is currently undertaking a further National Power Survey. See Order Authorizing the Establishment of National Power Survey Advisory Committees and Prescribing Procedures, issued June 29, 1972, ____ FPC ____, and Order Establishing National Power Survey Executive Advisory Committee and Designating Initial Membership and Chairmanship, issued Aug. 11, 1972, ____ FPC ____.

effects upon the development or utilization of existing or new primary energy resources. Governmental policies are affected. In short, conservation of energy must be recognized as an on-going study, a continuing effort to achieve the best balance in our total life environment between the benefits and costs of energy use. For this there must be a continuing sifting and winnowing of prior concepts, accomplishments, and actions.

From these factors flow a number of major imperatives for the public and the electric utility industry, all generally related to the overall energy policies of the Nation. As summarized in the 1970 National Power Survey, they include inter alia (pp. I–1–5–9):

The need to recognize the situation for what it is,
The need to distinguish between short-range problems and long-range objectives,
The need for intensified research and development, and
The need for adequate capital formations to supply energy requirements.

Electric energy resource availability is both a matter of further development and prudent use of extant sources. Electric energy generation is a conversion process—the utilization of primary heat or motive sources to create electric energy. As such, it is not properly viewed in isolation. Necessarily, the concepts set forth below transcend consideration of the electric industry only. The comments which the Commission solicits are those which are directed to all aspects of the proper utilization and conservation of natural resources. In short, the Commission seeks to provide awareness of conservation policies to all who may be concerned with electric utility operations and energy resources, and to encourage the establishment by each electric utility, and the industry as a whole, of programs to achieve conservation in all its forms.

Prudent use of electric energy requires a broad public understanding of the inherent limitations of all energy supplies, the consequences of unnecessary use, and conservation methods which are consistent with the needs for energy. With broad public support, individual conservation actions by electric utilities, equipment manufacturers, builders, and other segments of industry and commerce will achieve substantially beneficial results. Understanding and support is required since, in many instances, improved energy utilization is obtained only at increased cost, e.g., a greater overall use of materials, higher manufacturing, or production costs or other expenditures. The balance of factors which represents the best overall conservation is not always easily determined. Conservation measures as applied to electric energy frequently involve more than a mere minimizing of the units of primary energy [4] employed. Use of a more abundant fuel, or one which can be employed with less impact on the environment, may, in some cases, represent an overall conservation gain even though involving the expenditure of somewhat more units of primary energy. However, in general, practices which reduce the amounts of primary energy required to accomplish an energy consumption purpose, or which increase the efficiency of energy conversion, represent conservation gains.

Proposed policy. The proposed policy statement would constitute a new § 2.14, Title 18, Code of Federal Regulations, Chapter I, Part 2, reading as follows:

§ 2.14 Conservation of natural resources.

(a) The national interests in the maintenance of an adequate and reliable electric power supply throughout the United States will be served by recognition and implementation of the following:

(1) The nature of electric energy production is such that the supply of electric resources is tantamount to the utilization of parts of an integrated energy resource base comprised of numerous primary sources. Questions of electric energy policy necessitate consideration of many aspects of national policies, governmental, economic and social.

(2) The inherent nature of the conservation of natural resources concept is not one of growth limitation or diminished used of energy for beneficial purposes. Properly applied, conservation measures operate to serve and advance the Nation's national objectives and purposes.

(3) Conservation of natural resources is the individual responsibility of all who are concerned with energy production and consumption. This includes all elements of society, the economy and governmental authority.

(4) Implementation of conservation measures in the production and consumption of electric energy necessitates coordinated activities among all elements of government, industry, commerce and the consuming public. The resultant action should be directed to a realization of improved thermal and physical efficiencies in the production and use of electric energy; increased consumer knowledge regarding comparative advantages, disadvantages or considerations in the utilization of various energy forms, including the related costs of equipment, material, building and supplies; and appropriate governmental policies relative to research and development, siting and plant construction and economic regulation of the electric utility industry.

(b) To facilitate the widest possible dissemination of information relative to the conservation of natural resources, the Commission establishes a system for the voluntary reporting by all electric utilities throughout the United States of data on conservation of natural resources. We ask the cooperation of all electric utility systems, investor owned, publicly owned, federally owned, and cooperatively owned, in submitting data as set forth in the attached Appendix I to this statement. We ask that the requested reports be filed with the Secretary of the Federal Power Commission in duplicate on or before October 31 of each calendar year. All responses requested and received in respect to this statement of policy will be maintained by the Secretary in a public file of the Commission for general informational purposes. Upon request, copies of any of those materials will be made available by the Commission's Office of Public Information upon payment of the Commission's document reproduction charge. Established Commission procedures, as set forth in § 1.36, rules of practice and procedure, 18 CFR 1.36, will apply.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than October 30, 1972, data, views, comments, or suggestions, in writing, concerning all or part of the amendment proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment herein.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

APPENDIX I

INFORMATION TO BE SUPPLIED BY ALL ELECTRIC UTILITIES ON CONSERVATION OF NATURAL RESOURCES

Information to be reported annually should include:

1. A description of the electric utility's actions and programs relative to the conservation of natural resources, covering both the utility's activities and consumer uses of electric energy.

2. List separately in the foregoing description the utility's plans for increasing the efficiency of electric utility generation and transmission; improvement in system load factor and minimization of differentials between peak demands (monthly and annually) and those of nonpeak periods; and equipment or building design recommendations for use in electric energy applications.

3. Summarize public information and consumer education programs relative to best choices from an energy conseravtion standpoint among available appliance or other consuming equipment options, efficient utilization of consuming devices and of electric energy in consuming devices and, insofar as practicable, state comparative energy consumptions and energy costs of electric applications where equipment or building design recommendations are proffered.

[FR Doc.72-16199 Filed 9-22-72;8:46 am]

[4] Coal, gas, nuclear, and oil fuels and water power.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

GERMANIUM POINT CONTACT DIODES FROM JAPAN

Antidumping Proceeding Notice

SEPTEMBER 21, 1972.

On August 21, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that germanium point contact diodes from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

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

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

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

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

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

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

Approved: September 21, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-16379 Filed 9-22-72;9:08 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT ENVIRONMENTAL STATEMENT

Notice of Public Meetings

The Bonneville Power Administration hereby gives notice of the first of a series of public meetings to be held to discuss BPA's fiscal year 1974 Draft Environmental Statement. The purpose of the meetings is twofold: To present to the public BPA's projected fiscal year 1974 program, and to elicit comments from the public with respect to the environmental impact of BPA's projected program. The dates, hours, and places of the first series of meetings are as follows: October 24, 1972, 7:30 p.m., Winthrop School, Winthrop, Wash.; October 25, 1972, 7:30 p.m., Grant County PUD Auditorium, Ephrata, Wash.; October 26, 1972, 7:30 p.m., City Hall, Ellensburg, Wash.; November 1, 1972, 7:30 p.m., Conrad National Bank, Kalispell, Mont.; November 8, 1972, 7:30 p.m., Community Center, Wilbur, Wash.; November 9, 1972, 7:30 p.m., City Hall, Chewelah, Wash.; November 10, 1972, 7:30 p.m., Eng's Restaurant, Newport, Wash.

HENRY R. RICHMOND,
Administrator.

SEPTEMBER 15, 1972.

[FR Doc.72-16207 Filed 9-22-72;8:46 am]

Geological Survey

OFFICIALS AND EMPLOYEES

Delegation of Authority

SEPTEMBER 19, 1972.

The following material is a revision of that portion of the Geological Survey Manual and the numbering system is that of the manual. (Part 205, General Redelegations, Chapter 4, Procurement.)

.1 *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in departmental manual, Part 205, General Delegations, dated November 30, 1921 (26 F.R. 11748), redelegation of procurement authority to officials and employees of the Geological Survey is hereby made, within their normal areas of responsibilities.

.2 *Exercise of authority.* The redelegation hereby made is of authority on behalf of the United States and the Geological Survey, to enter into contracts or grants in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract or grant, to issue change orders and extra work orders pursuant to the contract or grant, to enter into modifications of the contract or grant which are legally permissible, and to terminate the contract or grant if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

A. Irrespective of the amount involved to:

Deputy Assistant Director for Administration.
Chief, Branch of Contracts.
Assistant Chief, Branch of Contracts.
Contract Specialists, Branch of Contracts.
Management Officers, Central and Western Regions, headquartered at Denver, Colo., and Menlo Park, Calif.
Service and Contracts Officers, Central and Western Regions.
Contract Specialists, Central and Western Regions.

B. All contracts not exceeding $50,000 to:

Procurement Agents, Branch of Contracts.
Procurement Agents, Central and Western Regions.

EDMUND J. GRANT,
Assistant Director for Administration.

[FR Doc.72-16211 Filed 9-22-72;8:47 am]

Office of Hearings and Appeals

[Docket No. M72-38]

ADAM E. EIDEMILLER, INC.

Notice Regarding Petition for Modification of Mandatory Safety Standards

In regard to petition of Adam Eidemiller, Inc., for modification of mandatory safety standards (30 CFR 77.1109 (c), (1), (2), and (3)), Docket No. M 72-38.

Notice is hereby given that the above operator of three strip mines known as Wertz Coal Strip, near Legislative Route 32031, near Iselin, Young Township, Indiana County, Pa., Carney Coal Strip, near Township Road No. 689 in Unity Township, Westmoreland County, Pa., and Superior Coal Strip, near Legislative Route No. 64039 in Derry Township, Westmoreland County, Pa., has applied for modification of the application of 30 CFR 77.1109(c), (1), (2), and (3).

The regulation in question states:

Preparation plants, dryer plants, tipples, drawoff tunnels, shops, and other surface installations shall be equipped with the following firefighting equipment.

* * * * *

(c) (1) Mobile equipment, including trucks, front-end loaders, bulldozers, portable welding units, and augers, shall be equipped with at least one portable fire extinguisher.

(2) Power shovels, draglines, and other large equipment shall be equipped with at least one portable fire extinguisher; however, additional fire extinguishers may be required by an authorized representative of the Secretary.

(3) Auxiliary equipment such as portable drills, sweepers, and scrapers, when operated more than 600 feet from equipment required to have portable fire extinguishers, shall be equipped with at least one fire extinguisher.

* * * * *

Petitioner states that it has been its experience that portable fire extinguish-

ers of the type required by the regulations are often stolen and thus unavailable for use when needed. Petitioner proposes to establish at each mine a "centralized fire extinguishing unit containing at least three or more 15-pound fire extinguishers, which extinguishers are at a fixed location on the jobsite, and which location is known to all of the miners and employees, * * *" It proposes that portable fire extinguishers not be required on mobile equipment operating within 600 feet of such centralized units. Petitioner alleges that its proposal will result in increased protection to the individual miners and employees.

Parties interested in this petition shall file their answer or comments and their request for a hearing, if they wish one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

SEPTEMBER 13, 1972.

[FR Doc.72-16213 Filed 9-22-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DEFENSE RESPONSIBILITIES IN USDA

Summary Amendments

The notice titled "Defense Responsibilities in USDA," published in the FEDERAL REGISTER on April 24, 1968 (33 F.R. 6251-6257) is hereby amended by deleting in section 2 thereof "Summary of USDA Defense Responsibilities," the reference to Executive Order 10998 and substituting therefor a reference to Executive Order 11490. Executive Order 10998 has been revoked by and superseded by Executive Order 11490 (3 CFR 1966-1970 Comp., p. 820).

This amendment shall be effective upon publication in the FEDERAL REGISTER (9-23-72).

Signed at Washington, D.C., on September 20, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-16290 Filed 9-22-72;8:50 am]

DEPARTMENT OF COMMERCE

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Notice of Meeting

The National Advisory Committee for the Flammable Fabrics Act will meet at 10 a.m. on October 12, 1972, in Room 6802, Department of Commerce, 14th Street between Constitution and E Streets NW., Washington, D.C. 20230.

The National Advisory Committee for the Flammable Fabrics Act, composed of 18 members fairly representative of manufacturers, distributors, and the consuming public, was created under the authority of the Flammable Fabrics Act as amended and revised December 14, 1967. The Secretary of Commerce was directed to consult with the National Advisory Committee before prescribing flammability standards or other regulations established under this Act.

AGENDA

10 a.m.	Call to Order.
	Children's Sleepwear Sizes 7-14.
	Upholstered Furniture.
11:45 a.m.	Lunch.
1 p.m.	Reconvene.
	Blankets.
	Carpets and Rugs.
	Other Business.
4:30 p.m.	Adjourn.

The meeting will be open to public observation; applications for admission will be accepted and granted on a first-come-first-served basis up to the capacity of the conference room. These applications should be sent by first-class mail to the undersigned at Room 2815, Department of Commerce, Washington, D.C. 20230.

Requests for information should be directed to the undersigned.

JAMES F. HOEBEL,
Executive Secretary, National Advisory Committee for the Flammable Fabrics Act.

SEPTEMBER 20, 1972.

[FR Doc.72-16261 Filed 9-22-72; 8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENRICHED FLOUR DEVIATING FROM IDENTITY STANDARD

Extension of Temporary Permit for Market Testing

Notice was given in the FEDERAL REGISTER of August 4, 1970 (35 F.R. 12423), and in subsequent issues (35 F.R. 19200, December 18, 1970; 36 F.R. 18680, September 18, 1971) that a temporary permit had been issued to the Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, to cover interstate marketing tests of enriched flour that deviated from the identity standard prescribed in § 15.10 (21 CFR 15.10). The permit was granted for a 2-year period expiring on July 24, 1972.

The U.S. Department of Agriculture assumes possession of the food at the point of manufacture and is responsible for its introduction into interstate commerce. The marketing is taking place pursuant to a study being conducted by the sponsor through its direct food distribution program.

The product contains lysine hydrochloride, an ingredient not presently provided for in the standards. Nutrients are added as specified in § 15.10(a)(1) except that the specified quantities of thiamine, riboflavin, niacin, and iron (Fe) are increased approximately two-fold. The labels of the product declare by common name the ingredients used as well as the percentage of the minimum daily requirements for the vitamins and minerals present in the enriched flour.

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that the permit is extended through July 24, 1973, at the request of the U.S. Department of Agriculture.

Dated: September 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-16259 Filed 9-22-72;8:53 am]

NATIONAL ADVISORY DRUG COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 13 of Executive Order 11671 of June 5, 1972, and in accordance with the policy of the Department of Health, Education, and Welfare, as published by the Secretary in the FEDERAL REGISTER of June 29, 1972 (37 F.R. 12864), notice is hereby given that a meeting of the National Advisory Drug Committee will be held September 28-29, 1972, in Conference Room K, third floor, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852. Each day's session will begin at 9 a.m.

The Committee will consider the (1) effects of the Drug Amendments of 1962 on drug research and development and (2) roles of the National Advisory Drug Committee in assisting the Food and Drug Administration. Status reports will be presented on the over-the-counter drug review and review of drug efficacy.

The meeting shall be open to the public and a period of time will be allotted for public participation. A verbatim transcript will be kept and will be available for public inspection at the Office of the Committee's Executive Secretary, Room 7-75, 5600 Fishers Lane, Rockville, Md. 20852. A list of committee members and summary minutes may be obtained from the Executive Secretary, Albert F. Esch, M.D., at the above address.

Persons desiring copies of the transcript shall be referred to the reporting service.

Dated: September 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-16376 Filed 9-22-72;8:54 am]

SECRETARY'S TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Notice of Public Meeting

Pursuant to the provisions of section 13 of Executive Order 11671 of June 5, 1972, and in accordance with the policy of the Department of Health, Education, and Welfare, as published by the Secretary in the FEDERAL REGISTER of June 29, 1972 (37 F.R. 12864), notice is hereby given that a meeting of the Secretary's Technical Advisory Committee on Poison Prevention Packaging will be held October 5–6, 1972, in the South Scott Room, Gramercy Inn, 1616 Rhode Island Avenue NW., Washington, DC 20036. Each day's session will begin at 9 a.m.

The Commissioner of Food and Drugs, under authority delegated to him (21 CFR 2.120), and pursuant to section 3(a) of the Poison Prevention Packaging Act of 1970, consults the Secretary's Technical Advisory Committee on Poison Prevention Packaging, established under section 6(a) of the act, in making findings and establishing child protection packaging standards.

The agenda and schedule of this next meeting of the Committee are as follows:

THURSDAY, OCTOBER 5, 1972

Discussion of status of products recommended for child protection packaging. Report on Committee's previous recommendation regarding an alternative testing procedure.

Discussion of public education and consumer activities relative to the Poison Prevention Packaging Act of 1970.

Discussion of proposal to require child protection packaging for liquid preparations containing 10 percent or more of ethylene glycol.

FRIDAY, OCTOBER 6, 1972

Exploration of problems regarding household soap and detergent products; and promotionally distributed samples of household substances.

Discussion of current status of production of child protection packaging including unit dose packaging.

The meeting of the Committee will be open to the public, and a period of time will be allotted for public participation. Members of the public who wish to participate are requested to submit by October 3, their names, issues they intend to discuss, and any pertinent documentation to the Committee's Executive Secretary, Room 228, 5401 Westbard Avenue, Bethesda, Md. 20016.

A verbatim transcript will be kept and made available for public inspection at the office of the Committee's Executive Secretary at the above address. Persons desiring copies of the transcript shall be referred to the reporting service.

A list of committee members and summary minutes of the meeting may be obtained from the Executive Secretary, Mr. Samuel M. Hart, at the above address.

Dated: September 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-16375 Filed 9-22-72;8:54 am]

National Institutes of Health

NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Clinical Cancer Training Committee (Dental), September 20, 1972, at 8:30 a.m., National Institutes of Health, Westwood Building, Conference Room C. This meeting will be open to the public from 8:30 a.m. to 9 a.m., September 20, and closed to the public 9 a.m., September 20, to review, discuss and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of Clinical Cancer Training Committee (Dental) members and/or summary of the meeting may be obtained:

Dr. Margaret H. Edwards, Westwood Building, Room 826, Bethesda, Md. 20014.

Dated: September 18, 1972.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.72-16255 Filed 9-22-72;8:52 am]

NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Cancer Research Center Review Committee, September 22–23, 1972, at 8:30 a.m., National Institutes of Health, Westwood Building, Conference Room C. This meeting will be open to the public from 8:30 a.m. to 9 a.m., September 22, and closed to the public 9 a.m., September 22, to review, discuss and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of Cancer Research Center Review Committee members and/or summary of the meeting may be obtained:

Dr. Arthur L. Schipper, Westwood Building, Room 848, Bethesda, Md. 20014.

Dated: September 18, 1972.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.72-16256 Filed 9-22-72;8:52 am]

NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Clinical Cancer Training Committee (General), September 25–26, 1972, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 8:30 a.m. to 9 a.m., September 25, and closed to the public 9 a.m., September 25, to review, discuss and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of Clinical Cancer Training Committee (General) members and/or summary of the meeting may be obtained:

Dr. Margaret H. Edwards, Westwood Building, Room 826, Bethesda, Md. 20014.

Dated: September 18, 1972.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.72-16257 Filed 9-22-72;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23542]

ATC BYLAWS INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 25, 1972, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to the prehearing conference report, served May 23, 1972, and other documents in this proceeding on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 19, 1972.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc.72-16280 Filed 9-22-72;8:53 am]

[Docket No. 24603]

CARIB WEST AIRWAYS, LTD.

Notice of Postponement of Prehearing Conference

Foreign air carrier permit application, Barbados-San Juan via intermediate points, Barbados-Miami via intermediate points.

Notice is hereby given that the prehearing conference in the above-entitled proceeding, which was assigned to be held on September 27, 1972 (37 F.R. 17578, Aug. 30, 1972), will be held on September 29, 1972, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Dated at Washington, D.C., September 19, 1972.

[SEAL] LOUIS W. SORNSON,
Administrative Law Judge.

[FR Doc.72-16281 Filed 9-22-72;8:53 am]

[Docket No. 23333; Order 72-9-55]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority September 15, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated September 7, 1972, names additional specific commodity rates for the Atlantic and Pacific as set forth in the attachment.[1] These rates reflect reductions from the otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23283, R-1 thru R-7, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

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

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-16282 Filed 9-22-72;8:53 am]

[1] Attachment filed as part of the original document.

[Docket No. 24764; Order 72-9-69]

WESTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of September, 1972.

By tariff revisions[1] marked to become effective October 1, 1972, Western Air Lines, Inc., (Western) proposes to revise the application of the military standby fare between Anchorage and Seattle to permit its use during the off-season months (October through April) by spouses and dependent children of service personnel based in Alaska. Under the proposal, spouses and/or dependent children 12 through 21 years of age would be required to have in their possession and available to the carrier upon request their Uniform Service Identification and Privilege Card (U.S. DOD Form 1173) to be eligible for the 50-percent fare.

In support of the proposal, Western alleges that its purpose is to permit service families based in Alaska to visit Seattle during the off-season months. The carrier alleges that at the present time the cost of a trip to the lower 48 States for a serviceman and his family is in many cases more than he can afford on his service pay.

Western contends that by making the military standby fare available to all members of the family, more families will be able to visit the lower 48 States which is "home" to most, during the cold winter season in Alaska. The carrier states that although it expects to generate new business in this manner, there should be minimal if any diversion of existing travel, especially considering the standby application of the fares.

No complaints have been filed.

Upon consideration of the tariff filing and all other relevant matters, the Board finds that the proposal may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Our decision to suspend rests essentially upon the element of discrimination involved in providing reduced fares which would be available only to a narrowly defined segment of the traveling public. We recognize that the carriers have been permitted to offer special rest and recuperation (R. & R.) fares between the mainland and Hawaii for wives and parents of Vietnam-based U.S. military personnel. However, we are not persuaded that similar national interest considerations which weigh in favor of those fares exist in the instant case. In our opinion, a significant distinction can be drawn between fares that enable Vietnam based military personnel to visit with their immediate families while on leave, and fares that permit spouses and dependent children who are stationed with service personnel in Alaska to visit "home."

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule 160(A)(2)(d) on first and second Revised pages 64-B, the exception to Rule 160(C)(10) and Exception 1 to Rule 160(D)(1) on 32d and 33d Revised pages 66 to Airline Tariff Publishers, Inc., Agent's CAB No. 142, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule 160(A)(2)(d) on first and second Revised pages 64-B, the exception to Rule 160(C)(10), Exception 1 to Rule 160(D)(1) and cancellation of the carrier "WA" from Exception 3 of Rule 160(D)(1) on 32d and 33d Revised pages 66 to Airline Tariff Publishers, Inc., Agent's CAB No. 142, are suspended and their use deferred to and including December 29, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed in the aforesaid tariff and be served upon Western Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-16283 Filed 9-22-72;8:53 am]

[1] Revisions to Air Line Tariff Publishers, Inc., Agent, Tariff CAB No. 142.

[2] Concurring and dissenting statements of Members Minetti and Murphy filed as part of the original document.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN GHANA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 20, 1972.

On September 13, 1972, the U.S. Government in furtherance of the objectives

of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and extended through September 30, 1973, delivered a note to the Government of Ghana requesting that Government to enter into consultations concerning exports to the United States of cotton textile products in Category 22, produced or manufactured in Ghana. In that note the U.S. Government stated its view that exports in this category from Ghana should be restrained for the 12-month period beginning September 13, 1972, and extending through September 12, 1973.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the delivery of the aforementioned note, entry and withdrawal from warehouse for consumption into the United States of cotton textile products in Category 22, produced or manufactured in Ghana, and exported from Ghana on and after the date of delivery of such note may be restrained.

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

[FR Doc.72-16304 Filed 9-22-72;8:54 am]

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

Entry or Withdrawal from Warehouse for Consumption

SEPTEMBER 21, 1972.

On March 10, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5148) a letter of March 6, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, between the Governments of the United States and the Republic of China which establish specific export limitations on wool and manmade fiber textile products in certain categories, produced or manufactured in the Republic of China, for the agreement year beginning October 1, 1971.

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

The agreement also contains provisions for the establishing of consultation levels for those categories not having specific export limitations for the agreement year beginning October 1, 1971. These levels, which are initially to be controlled by the Government of the Republic of China, could at a later date be controlled b ythe U.S. Government like those categories having specific export limitations.

Under the provisions of paragraph 3 of the aforesaid agreement, the U.S. Government has decided to control imports in Category 224 for the agreement year beginning October 1, 1971, at a level of 8,333,333 pounds. The level of restraint contained in the letter published below has been adjusted to reflect entries charged against such level through September 2, 1972.

Accordingly, there is published below a letter of September 21, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of man-made fiber textile products in Category 224, produced or manufactured in the Republic of China, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 1, 1971, and extending through September 30, 1972, be limited to the designated adjusted level.

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

SEPTEMBER 21, 1972.

DEAR MR. COMMISSIONER: Under the provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, between the Governments of the United States and the Republic of China and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the period extending through September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 224, produced or manufactured in the Republic of China, in excess of an adjusted level of restraint of 332,942 pounds.[1]

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

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

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

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

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

Sincerely,

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

[FR Doc.72-16307 Filed 9-22-72;8:54 am]

[1] This level has been adjusted to reflect entries made through Sept. 2, 1972. It has not been adjusted to reflect entries made after Sept. 2, 1972.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality, September 11 to September 15, 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.

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.

Draft, September 14

Crystal River Plant, Fla. County: Citrus. The statement considers the continuation of the provisional construction permit and the issuance of an operating license to the Florida Power Co. for Unit 3 of the plant. The unit will employ a pressurized water reactor to produce 2,452 MWt for an output of 855 MWe. The unit is designed for future levels of 2,544 MWt and 885 MWe. Cooling will be by a once through flow of water obtained from and discharged to the Gulf of Mexico (at 14.5° above ambient). Marinelife will be adversely affected. (246 pages) (ELR Order No. 05269) (NTIS Order No. EIS 72 5269D)

Draft, September 12

Quad Cities Nuclear Power Station, Ill. County: Rock Island. The statement refers to the continuation of operating licenses to the Commonwealth Edison Co. and the Iowa-Illinois Gas and Electric Co. for two units with total capacity of 5,022 MWt and 1,618 MWe (net). Approximately 125 miles of transmission line have been constructed. Heating of 2,270 cubic feet per second of Mississippi River water 23° F. above ambient will be needed for cooling until May 1976, when new controls will lessen the amount needed to 1,160 cubic feet per second. (345 pages) Comments made by: USDA, COE, EPA, FPC, HEW, DOI, and DOT (ELR Order No. 05257) (NTIS Order No. EIS 72 5257D)

Final, September 11

Wm. Zimmer Nuclear Power Station, Ohio. County: Clermont. The statement refers to the proposed issuance of a construction permit to the Cincinnati Gas and Electric Co. for the station. A boiling water raector will be employed to produce 2,436 MWt and a steam-turbine generator to provide 840 MWe (net). Exhaust steam will be cooled by Ohio River water circulated in a natural draft tower. Nonradioactive chemical, sanitary, and other wastes will be discharged to the Ohio River; 26,000 curies of radioactivity in gases and 25 curies (including 20 of tritium) in liquid wastes will be released per year to the environs; the 479-foot-tall cooling tower will have a visual impact upon the landscape; 280 acres of land will be committed to the project. (300 pages) Comments made by: USDA, COE, DOC, EPA, DOI, HEW, and DOT (ELR Order No. 05241) (NTIS Order No. EIS 72 5241F)

DEPARTMENT OF THE ARMY

Contact: Mr. George A. Cunney, Pentagon (DALO–INE), Washington, D.C. 20310, 202—OX4–4269.

Final, September 13

Fort De Russy, Hawaii. The statement refers to the proposed construction of a 15-story Armed Forces Recreation Center at Ft. De Russy. The new facility will have significant impact upon traffic and parking in Waikiki. (63 pages) Comments made by: EPA, DOI, and DOT (ELR Order No. 05260) (NTIS Order No. EIS 72 5260F)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, 202—755–6186.

Final, September 15

Fort Lincoln Urban Renewal Plan, District of Columbia. The statement refers to the proposed creation of a racially, socially, economically, and functionally inclusive community of 16,000 persons. Approximately 359 acres of Federal land will be committed to the project. Adverse impacts considered by the statement include those of surface runoff, waste disposal, traffic, and noise levels. (174 pages) Comments made by: DOC, EPA, HEW, GSA, and DOI (ELR Order No. 05276) (NTIS Order No. EIS 72 5276F)

Palo Verde Estates, Ariz. County: Yuma. The statement considers HUD mortgage insurance under section 203–B for two subdivisions totalling 262 units on 40 acres in the city of Yuma. The sites are located in CNR Zone 2 of the Yuma International Airport. (66 pages) Comments made by: VA and DOT (ELR Order No. 05266F) (NTIS Order No. EIS 72 5266F)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343–3891.

BUREAU OF RECLAMATION

Final, September 14

Brantley Project, New Mexico. County: Eddy. The statement refers to the proposed construction of a concrete and earthfill dam on the Pecos River 24 miles upstream from Carlsbad. The purposes of the project are those of flood control, irrigation, and recreation. Approximately 5 miles of the Pecos River would be inundated, along with 3,000 acres of agriculturally productive land. An additional 7,000 acres of wildlife habitat will be lost and 17,900 acres will be reduced in value. Fifteen residences and other properties will be displaced. (88 pages) Comments made by: USDA, COE, EPA, HEW, and DOI (ELR Order No. 05263) (NTIS Order No. EIS 72 5263F)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft, September 13

Blackbeard Island, Ga. County: McIntosh. The statement refers to a proposal that 3,000 acres of the 5,618-acre Blackbeard Island National Wildlife Refuge be designated as wilderness within the National Wilderness Preservation System. The island is located 18 miles off the Georgia coast. No significant environmental change is expected to occur as a result of the action. (37 pages) Comments made by: USDA, COE, EPA, DOI and DOT ELR Order No. 05258 (NTIS Order No. EIS 72 5258D)

OFFICE OF SALINE WATER

Draft, September 15

Desalting Technology. The statement refers to a proposed 5-year extension of research and development projects and programs which are intended to improve desalting technology. The research is being conducted under Public Law 92–60. Separate impact statements will be prepared on specific programs as required. (24 pages) (ELR Order No. 05275) (NTIS Order No. EIS 72 5275D)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615—755–2002.

Final, September 11

Browns Ferry Nuclear Plant, Ala. County: Limestone. The statement refers to the proposed construction and operation of a three-unit nuclear power generating station and a mechanical draft tower cooling system. Approximately 840 acres will be committed to the plant; easements will be required on an additional 1,340 acres for transmission line right-of-way. Small quantities of radioactive and nonradioactive materials will be released to the air and water by the plant. Until the cooling tower system is complete, cooling water, which is drawn from Wheeler Reservoir, will be returned at 25 degrees above ambient. (456 pages) Comments made by: AEC, USDA, DOC, COE, EPA, FPC, HEW, HUD, DOI, USA, and DOT (ELR Order No. 05234) (NTIS Order No. EIS 72 5234F)

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

Draft, September 13

Isley Field, Saipan. The statement refers to the proposed reactivation of the presently unused airport for use as the airport for the Island of Saipan, Marianas, and the government headquarters for the Trust Territory of the Pacific. Extending, paving, and lighting of runways, taxiways, and aprons is involved, along with the construction of terminal facilities. Areas to be cleared of brush will be lost to use by wildlife of the island. The proposed facilities will be capable of handling intercontinental turbojet aircraft. (The existing facilities at Kobler Field, 0.75 mile from Isley cannot be economically expanded to meet this need.) (109 pages) (ELR Order No. 05259) (NTIS Order No. EIS 72 5259D)

Final, September 14

Mount Vernon Airport, Ill. County: Jefferson. The statement refers to the proposed acquisition of land, the extension and lighting of runways and taxiways, and the construction of a new terminal. The project will result in increased noise and air pollution; nine families will be displaced and an unspecified amount of land acquired. (104 pages) Comments made by: USDA, EPA, COE, DOC, HUD, DOI, and DOT (ELR Order No. 05262) (NTIS Order No. EIS 72 5262F)

Cuba Municipal Airport, Mo., County: Crawford. The proposed project is the construction of a new airport. Facilities would include a 3,500′ x 60′ runway, a 2,800′ x 60′ runway, taxiways and aprons, lighting, etc. Approximately 110 acres of grazing land will be acquired for the project. Increases in air and noise pollution and the removal of trees are the only adverse impacts mentioned in the statement. Comments made by: COE, DOI, and State and local agencies (ELR Order No. 05267) (NTIS Order No. EIS 72 5267F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, September 1

Blue Heron Bridge, Fla., County: Palm Beach. The proposed project will provide a four-lane crossing of the Intracoastal Waterway, from the mainland to Phil Foster Park (on the island) and continuing to Singer Island. Project length is 1.015 miles. Dredge and fill operations will effect aquatic life systems. Section 4(f) land from the Phil Foster Park will be committed to the project. (112 pages) (ELR Order No. 05206) (NTIS Order No. EIS 72 5206D)

Draft, September 15

Edwardsville South Bypass, Ill., County: Madison. The statement refers to the proposed construction of a new four-lane highway facility beginning at Illinois Route 157 and continuing easterly and northeasterly to Illinois Route 143. Project length is approximately 5.9 miles. Eighteen families and one business will be displaced; 160 acres will be required for right-of-way. (163 pages) (ELR Order No. 05272) (NTIS Order No. EIS 72 5272D)

Draft, September 11

Shepard Road and Chestnut Street, Minn., County: Ramsey. The statement refers to the construction of a bridge over a railroad line and an interchange in urban St. Paul. Temporary congestion will occur during construction. (17 pages) (ELR Order No. 05239) (NTIS Order No. EIS 72 5239DD)

T.H. 14 Relocated, Minnesota, Counties: Dodge and Olmsted. The proposed action consists of the reconstruction of 7 miles of T.H. 14 on new location as a four-lane, divided facility. The project includes a 0.4-mile extension of T.H. 57 in Kasson between existing T.H. 14 and the new location. Four families and one business will be displaced; 313 acres of agricultural land will be committed to right-of-way. (35 pages) (ELR Order No. 05240) (NTIS Order No. EIS 72 5240D)

Route 36, Missouri, County: Linn. The statement refers to the proposed construction of 5.7 miles of four-lane roadway, including bridges, interchanges, and dual paving. Approximately 200 acres would be acquired for right-of-way; nine residences and four businesses would be displaced. (12 pages) (ELR Order No. 05238) (NTIS Order No. EIS 72 5238D)

Draft, September 8

Legislative Routes 1053 and 313, Pennsylvania, Counties: Centre and Clearfield. The statement is a corridor study for providing a traffic system around Philipsburg, a connection between Philipsburg and I–80 at Kylertown and a connection between Osceola Mills and Philipsburg. Project length is approximately 24 miles. Eight businesses and 62 families will be displaced. (68 pages) (ELR Order No. 05227) (NTIS Order No. EIS 72 5227D)

Draft, September 11

Airport Road, Tex., County: El Paso. The statement refers to the proposed reconstruction and widening of approximately 3 miles of roadway. (28 pages) (ELR Order No. 05237) (NTIS Order No. EIS 72 5237D)

Draft, September 14

State Highway 71, Texas, County: Colorado. The statement considers the proposed improvement of State Highway 71 from the Fayette-Colorado County line to I–10 near Columbus. The project will consist of a 3.5-mile bypass of Columbus on new location and 8.6 miles of upgraded highway on existing location. One family will be displaced; 265 acres will be required for additional right-of-way. (48 pages) (ELR Order No. 05624) (NTIS Order No. EIS 72 5264D)

Draft, September 1

S.R. 90—West Snoqualmie to Tanner, Wash., County: King. The project is the proposed construction of a six-lane freeway and appurtenances, with its major length passing through undeveloped forest, then through a portion of sparsely settled agricultural land. Free movement of wild and domestic life will be restricted, approximately 31 families will be displaced. (211 pages) (ELR Order No. 05213) (NTIS Order No. EIS 72 5213D)

Draft, September 11

I–90, Washington, County: King. The proposed project is the construction of a 10-lane Interstate Freeway (I–90), from the junction of SR–5 to the west shore of Mercer Island, 3.08 miles, along the existing alinement of a four-lane freeway across Seattle and Lake Washington. Section 4(f) lands from Sturgis Park and Judkins Playground will be encroached upon. Forty-eight businesses and 179 families in the Seattle Model City Community will require relocation. (181 pages) (ELR Order No. 05235) (NTIS Order No. EIS 72 5235D)

Final, September 12

I–65, Alabama, County: Jefferson. The project covered in this statement is one of three construction projects needed to complete the construction of I–65 from US31 South of Birmingham to the Tennessee State line. Length of project is 2.6 miles. Nine families and four businesses will be displaced. Of the 272 tracts required for right-of-way, 230 have already been acquired. (41 pages) Comments made by: USDA, AEC, COE, EPA, HEW, HUD, DOI, and DOT (ELR Order No. 05247) (NTIS Order No. EIS 72 5247F)

Ochlockonee River Bridge, Florida, County: Franklin. The statement refers to the proposed construction of a replacement bridge over the Ochlockonee River on US 319 (SR 377). Total project length is 0.17 mile. (48 pages) Comments made by: USDA, EPA, DOI (ELR Order No. 05245) (NTIS Order No. EIS 72 5245F)

Final, September 13

Silver Star Road (S.R. 438), Florida, County: Orange. The proposed project involves upgrading approximately 4.2 miles of S.R. 438, partially on new location, from a two-lane rural to a multilane divided urban highway extending from S.R. 435 (Hiawassa Road) easterly to S.R. 500 (Orange Blossom Trail). The number of displacements will depend upon the route selected. (111 pages) Comments made by: EPA and DOI (ELR Order No. 05261) (NTIS Order No. EIS 72 5261F)

Final, September 12

FAP Route 42 (Illinois Route 43), Ill., County: Cook. The proposed project provides for the widening of F.A.P. Route 42 (Illinois Route 43) to four lanes from 119th Street to 143d Street. Approximately 3 acres of section 4(f) land from the Cook County Forest Preserve District are required for right-of-way. (135 pages) Comments made by: USDA, DOI, OEO, and DOT (ELR Order No. 05255) (NTIS Order No. EIS 72 5255F)

K–18, Kansas, Counties: Riley and Geary. The statement refers to the proposed construction of 5.1 miles of two-lane roadway, including bridges, on a four-lane right-of-way. Approximately 193 acres will be acquired for the project. (124 pages) Comments made by: USDA, COE, EPA, USCG, DOC, HUD, OEO, and DOI (ELR Order No. 05244) (NTIS Order No. EIS 72 5244F)

Final, September 15

Federal Aid Route 22, Montana, County: Roosevelt. The project considered is the reconstruction of a portion of Federal Aid Route 22 (Montana 16), including a new bridge spanning Medicine Lake. Section 4(f) land from the Medicine Lake National Wildlife Refuge will be encroached upon. Total project length is approximately 10 miles. (106 pages) Comments made by: USDA, COE, EPA, HEW, HUD, DOI, and DOT (ELR Order No. 05273) (NTIS Order No. EIS 72 5273F)

Final, September 12

U.S. 17 Business (Ehringhaus Street), N.C., County: Pasquotank. The action is the proposed widening of U.S. 17 Business to five lanes from U.S. 17 Bypass to McCarrine Street. Approximately 10 acres of new right-of-way are required; four businesses and 15 families will be displaced. (39 pages) Comments made by: USDA, COE, EPA, GSA, HUD, and DOI (ELR Order No. 05243) (NTIS Order No. EIS 72 5243F)

Nebraska 79, Nebraska, Counties: Dodge and Saunders. The proposed project is the improvement of 1.34 miles of highway construction between North Band and Morse Bluff. The construction will consist of a new 40-foot roadway, a bridge spanning the Platte River and drainage structures. An unspecified amount of agricultural land is required for right-of-way. (55 pages) Comments made by: USDA, COE, EPA, HUD, and DOI (ELR Order No. 05250) (NTIS Order No. EIS 72 5250F)

U.S. Route 220, Virginia, County: Roanoke. The proposed project provides the final link of a limited access thruway which will extend from the northern end of the city of Roanoke to the southern end. The segment covered in this statement is 2.6 miles in length and extends from the Franklin Road-Maples Avenue intersection to the Route 419-existing Route 220 intersection. Twenty-two businesses and 106 families will be displaced. (78 pages) Comments made by: EPA, HUD, and DOI (ELR Order No. 05252) (NTIS Order No. EIS 72 5252F)

Quick's Mill Road (Route 612), Virginia, County: Augusta. The statement is concerned with the proposed improvement of a 1.617-mile segment of Route 626. Four families and one business will be displaced by the action. An unspecified amount of agricultural land is required for right-of-way. (41 pages) Comments made by: USDA, EPA, HUD, DOI, and DOT (ELR Order No. 05253) (NTIS Order No. EIS 72 5253F)

Final, September 7

Passing lanes on SR 2, Washington. County: Snohomish. The project discussed in this statement consists of adding passing lanes to an existing 2-lane portion of SR 2 on the existing alinement. Approximately 7.5 acres of right-of-way will be committed to the action. (32 pages) Comments made by: USDA, DOC, COE, EPA, HUD, DOI, and DOT (ELR Order No. 05226) (NTIS Order No. EIS 72 5226F)

U.S. COAST GUARD

Final, September 14

Long Range Aids to Navigation (Loran–C) Station, Maine. County: Aroostook. The statement considers the construction of a new Loran–C transmitting station in the Caribou, Presque Isle, area of Aroostook County. Adverse impacts will include those resulting from sewage disposal facilities and that of the visual impact of antenna towers (600' tall). (24 pages)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-16284 Filed 9-22-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

HERCULES INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 3F1298) has been filed by Hercules Inc., Wilmington, Del. 19899, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide dialifor (*S* - (2 - chloro - 1 - phthalimidoethyl) *O,O*-diethyl phosphorodithioate) and its oxygen analog in or on the raw agricultural commodities apples and grapes at 1.5 parts per million; fat, meat,

and meat byproducts of poultry at 0.06 part per million; and eggs and pecans at 0.01 part per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 3H5020) proposing establishment of food additive tolerances (21 CFR Part 121) for residues of dialifor and its oxygen analog in or on dried apple pomace at 26 parts per million; dried grape pomace and raisin waste at 15 parts per million; and raisins at 6 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using thermionic detection.

Dated: September 14, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-16198 Filed 9-22-72;8:45 am]

PRESIDENT'S WATER POLLUTION CONTROL ADVISORY BOARD AND THE PRESIDENT'S AIR QUALITY ADVISORY BOARD

Notice of Determination

The President's Water Pollution Control Advisory Board was created in 1956, under section 9 of the Federal Water Pollution Control Act and the President's Air Quality Advisory Board in 1967, under section 110 of the Clean Air Act (section 117 of the Clean Air Amendments of 1970). The two Boards are authorized by law to advise, consult with and make recommendations to the Administrator of the Environmental Protection Agency on policy matters within their jurisdiction. They are further authorized to examine all phases of the national water and air pollution problems.

Each Board holds from 3 to 5 meetings a year. Usually one or two are held in Washington, D.C., to review air and water plans, and to discuss policy matters with the Administrator who also serves as Chairman of both Boards. While topics for review and the meeting locations are designated by the Chairman, he may also call meetings at the request of Board members or State Governors.

Board members devote considerable amounts of their time to pollution control efforts, either as private citizens or in State and local governmental capacities, as well as representatives of industry and other activities. In order to operate most effectively, Board members must be free to engage in full and frank discussions. Accordingly, to open all meetings to the public would inhibit candid expression of opinion concerning controversial policy issues. Department and agencies of the Government have authority under 5 U.S.C. 552(b) of the Freedom of Information Act to withhold written information from public disclosure on similar grounds. In administering the Act, however, the Agency's policy is to make fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity.

It is hereby determined in accordance with the provisions of section 13(d) of Executive Order 11671, that the public interest requires executive sessions of the President's Water Pollution Control Advisory Board and the President's Air Quality Advisory Board to be closed to the public in order to provide the Environmental Protection Agency with recommendations resulting from free and frank discussions concerning policy issues from among representatives of a wide range of groups having an interest in the field which should be protected for reasons analogous to the policies cited in the Freedom of Information Act, section 552(b)(5) of title 5 of the United States Code.

The Executive Secretary of the Boards will make available to the public upon request: (a) Copies of all recommendations formulated by the Boards, (b) a complete report of each meeting prepared by the Executive Secretary setting forth a summary of its activities and such matters as would be informative to the public and would be consistent with policies analogous to those recognized in section 552(b) of the Freedom of Information Act and as required by section 13(d) of Executive Order 11671, and (c) a verbatim transcript of all statements presented to the Boards at the public meetings. It is intended that not more than half the total meeting time of either Board in any fiscal year shall be closed to the public.

Dated: September 21, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-16310 Filed 9-22-72;8:54 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19573, 19574; FCC 72-812]

BETHANY COLLEGE AND CALVARY CHRISTIAN COLLEGE

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of: Bethany College, noncommercial educational FM station WVBC, Bethany, W. Va., Docket No. 19573, File No. BPED-1109; Has: Channel 201; 10 watts, Requests: Channel 211; 8.52 kw.; 246 feet; Calvary Christian College, Paris, Ohio, Docket No. 19574, File No. BPED-1278, Requests: Channel 211; 10 kw.; 301 feet; for construction permits.

1. The Commission has for consideration the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in interference involving infringement of 1 mv/m contours. Therefore, a comparative hearing is required.

2. An informal objection to the grant of the application of Calvary Christian College has been submitted by a Mr. James P. Rodman of Alliance, Ohio. Mr. Rodman alleges that the college is not accredited by any State department of education or by any regional or national accrediting organization; that the "newness" of the college and its "small," unimposing physical plant raises a question as to whether the institution is financially capable of maintaining its proposed program schedule; and that the purpose of the college in this instance "is to obtain a voice on the airways for the propagation of their own views" and not for educational purposes.

3. Calvary Christian College responds that it is not an absolute requirement that an applicant for a noncommercial educational facility be an accredited institution of higher education; that the Commission has granted construction permits and licenses to unaccredited organizations and institutions; that course credits from the college are accepted by various "Christian Colleges" throughout the United States; that the college is in a financial position to construct and operate the proposed facility; and that the college does not intend to utilize the facility to promote "propaganda," but will "promote nothing other than education" and will use the station to serve the public interest and educational needs of the area, to broadcast area news and community events, to broadcast college classes, good music and social programs, and to provide a facility for training students in radio broadcasting.

4. Although § 73.503(a)(2) of the rules provides that the accreditation of State departments of education and/or recognized regional and national accrediting organizations shall be considered in determining the eligibility of privately controlled educational organizations, the fact that such organizations may not be accredited does not constitute an absolute bar to licensing.[1] Calvary Christian College had adequately shown that it is a bona fide educational institution whose purposes are primarily educational in nature, even though these purposes may have a religious aspect to them.[2] We conclude that Calvary Christian College qualifies as a private educational institution and that no specific allegations of fact have been presented which would warrant an issue to determine its qualifications in this regard.

5. With respect to the financial qualifications of applicants for noncommercial educational FM facilities, the Commission requires only a reasonable showing of financial capability and does not rigidly apply the stringent standard required for commercial applicants.[3] Calvary Christian College has shown that it will require funds of $12,295 to construct

[1] See, Bible Moravian Church, Inc., 28 FCC 2d 1; 21 RR 2d 492 (1971); Pacifica Foundation, 21 FCC 2d 216; 18 RR 2d 55 (1970).

[2] Application Form 340 (BPED-1278) of Calvary Christian College, filed June 23, 1971, Exhibit 1, Articles of Incorporation, provision "Third"; Exhibit 5, "Educational Objectives of Radio Station."

[3] NTA Television Broadcasting Corp., 22 RR 273 (1961); Northern California Educational Television Assoc., 1 RR 2d 434 (1963).

and operate the station for the 1st year, as follows: Equipment, $7,475; buildings and miscellaneous expenses, $750; and working capital, $4,070. The applicant indicates that $8,500 will be provided from the schools savings account, that $4,070 will be budgeted annually by the school for the operation of the proposed station and that additional funds will come from tuition charged students enrolled in "broadcasted classes." However, the balance sheet of the applicant as of March 31, 1972, shows the college with cash and certificates of deposit totalling only $8,374; accounts receivable of $3,947; buildings, class and office equipment totalling $109,000; and mortgage liabilities totalling $16,418. Inasmuch as the applicant is relying upon its own cash and liquid assets to fund the proposed facility and since its balance sheet indicates that only enough funds exist for the construction of the station, and that virtually no funds would be available to run the college and for other educational programs and undertakings, we conclude that Calvary Christian College has not made a reasonable showing of its financial capability. Accordingly, an issue has been specified.

6. It appears that there will be a significant disparity in the areas and populations served by the applicants. Consequently, it will be necessary to determine, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitabale distribution of radio service. Inasmuch as this proceeding involves competing applicants for noncommercial educational facilities, the standard 307 (b) issue shall be modified in accordance with our prior action in New York University, 10 RR 2d 215 (1967). Such a determination requires that we consider the areas and populations to be served by the applicants, as well as the number of other aural educational services available in the proposed service area of both applicants.

7. In connection with the Notice of Inquiry in Docket No. 14185, 5 FCC 2d 587 (1966), which looks toward the establishment of a nationwide table of assignments for educational FM stations, the Department of Education of the Commonwealth of Pennsylvania has submitted a plan, which is presently under consideration (RM-1504), for the assignment of educational FM channels in the State. Neither the proposal of Bethany College nor that of Calvary Christian College complies with the Pennsylvania plan, in that grant of either application would preclude a proposed assignment in the plan. Accordingly, the application which is granted in this proceeding shall be conditioned, as set forth below, on the outcome of the proceedings in RM-1504.

8. Calvary Christian College has adequately demonstrated its intention to broadcast programs of interest to its entire service area, as well as programs of a strictly religious nature. It has further stated a satisfactory basis upon which time will be made available for the presentation of views by other, including non-Christian religious groups. However, the apparent significant difference in the amount of religious programing proposed by Calvary Christian College as compared to that proposed by Bethany College is one factor to be considered under issue 4 below.[4]

9. Except as indicated by the issues set forth below, both applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, they must be designated for hearing in a consolidated proceeding. In view of this factor, and since the matters raised in Mr. Rodman's informal objection which have not been treated above are conclusionary, based on conjecture and lack specificity, the informal objection will be dismissed.

10. *Accordingly, it is ordered,* That the applications are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order, on the following issues:

1. To determine with respect to the application of Calvary Christian College:

(a) Whether funds in the amount of $12,295 will be available for the construction and first-year operation of the proposed facility; and

(b) Whether, in light of the evidence adduced under the above issue, the applicant is financially qualified.

2. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals.

3. To determine the number of other aural educational services available (primary for AM, 1 mv/m or better for FM) in the proposed service area of both applicants, and the areas and populations served thereby.

4. To determine the extent to which each of the proposed operations will be integrated into the overall educational operation and objectives of the respective applicants; or whether other factors in the record demonstrate that one applicant will provide a superior FM educational broadcast service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the proposals would better serve the public interest, and, therefore, which application should be granted.

11. *It is further ordered,* That the informal objection submitted by James P. Rodman on July 6, 1971, is dismissed.

12. *It is further ordered,* That whichever application is granted, the construction permit shall contain the following condition:

The grant of this application is without prejudice to whatever further action may be warranted in connection with the outcome of the proceedings in RM-1504, pertaining to the establishment of a table of assignments for educational FM stations in Pennsylvania.

13. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

14. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 13, 1972.

Released: September 20, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-16273 Filed 9-22-72;8:50 am]

CABLE TV GOVERNMENT ADVISORY GROUP SUBCOMMITTEE

Notice of Open Meeting

SEPTEMBER 15, 1972.

The Post-Award Regulatory Phase Subcommittee of the Cable Television Federal-State/local Advisory Committee will hold an open meeting October 3, 1972, at 10 a.m. in Room A106 of the FCC Annex 1229 20th Street NW., Washington, DC.

The subcommittee was formed to evaluate areas of interest to the advisory committee including enforcement of service and technical standards. Mr. Thomas I. Atkins, Secretary for the State of Massachusetts' Executive Office of Communities and Development, is chairman of the subcommittee.

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

[FR Doc.72-16277 Filed 9-22-72;8:51 am]

JOINT DIALER AND ANSWERING DEVICES ADVISORY COMMITTEE

Notice of Joint Meeting

SEPTEMBER 19, 1972.

In accordance with Executive Order No. 11671, dated June 7, 1972, announcement is made of a public meeting of the

[4] Although Bethany College is associated with the Disciples of Christ, its program schedule does not provide for a significant amount of religious programing. Bethany College has incorporated by reference the programing information contained in its application for renewal of license, granted Oct. 9, 1969, and has indicated that there are no significant changes proposed. It is also noted that it currently has pending an application to renew its license for the period Oct. 1, 1972, through Oct. 1, 1975.

[5] Commissioners Robert E. Lee and Reid absent.

Joint Dialer and Answering Devices Advisory Committee, to be held, October 4 and 5, 1972. The Advisory Committee will meet at 1229 20th Street NW., Washington, DC, Room A–110 at 10 a.m.

1. *Purpose.* The purpose of this Committee is to prepare recommended standards and procedures to permit the interconnection of customer owned and maintained answering and dialing devices.

2. *Membership.* The Advisory Committee meeting will be chaired by Jack L. Dempsey and Fred Warden and is composed of the following: Lyle D. Abbott, M. E. Hacker, Samuel R. Buxbaum, James B. Eppes, Charles Hernandez, Anthony Giacoio, Thomas J. Dunleavy, Peter J. Grant, Jim Owen, F. A. Foresta, Richard Horton, Jerry A. Klein, Leslie N. Wilder, K. R. Parker, R. B. Brunson, Clyde W. Sautters, F. G. Splitt, Peter F. Theis, Robert E. Morgan, Lloyd Smith, Shaun Delaney, Boyd King, Ron Matteson, Gustone Perrin, Preston R. Brown, James F. Holmes, Brendan McShane, Allan MacLeod, Denis E. Lowry, Robert W. Shirley, George A. Smith, B. Edelman, Rudy C. Stiefel, John R. Mineo, Earl C. Mansfield, John Albus, D. L. Byers, R. J. Whitefleet, Donald R. Briggs, Bryan McNeil, Arnold Dorfman, Robert E. Webb, Lloyd Smith, Albert Hardy, J. W. Kissel, James W. McNabb, Charles A. Parry, Donald Moehlenkamp, Richard Richter, Robin Mosely, Frederick Hildebrandt, R. W. Bolivan, C. J. Carr, Stephen Speltz, Ludwig Walch, S. H. Franke, Thomas Warner, M. S. Adler, William H. Wertz, Ronald Binks, Jurgen Kok, H. Marcheschi, Ken Rosenburg, John P. Lekas, William Lindgren, John R. Rison, Amos R. Jackson, Calvin W. Jackson, John R. Mineo, and Earl C. Mansfield.

3. *Activities.* Members will present drafts of recommended enforcement procedures for review and comment by the Committee.

4. *Agenda.* The agenda for the meetings will include review of "Enforcement Procedures."

It is suggested that those desiring more specific information about the meeting call the Domestic Rates Division on (202) 632–6457.

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

[FR Doc.72–16276 Filed 9–22–72;8:50 am]

[Mexican List No. 267]

MEXICAN STANDARD BROADCAST STATIONS

Notification List

SEPTEMBER 1, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number Radials	Length (feet)	
		600 kHz							
XETA (previously notified on 1080 kHz).	Zitacuaro, Mich., N. 19°26'04", W. 100°20'03".	500-D/150-N	ND-175	U	III	328	180	345	10.1.72 probable.
		610 kHz							
XEGS	Guasave, Sin., N. 25°34'17", W. 108°27'00".	1000-D/500-N	ND-184	U	III	404	90	404	
		630 kHz							
XEFB (PO 5000-D/10000-N, DA-N).	Monterrey, N. L., N. 25°41'00", W. 100°14' 33".	10,000	DA-2	U	III				
		660 kHz							
XERPM (PO 10,000-D/5000-N, DA-N).	Mexico, D. F	50,000-D/5000-N	DA-N	U	II				
		730 kHz							
XEX (assignment deleted)	Saltillo, Coah	500	ND	D	II				
		730kHz							
XEX (assignment deleted)	Torreon, Coah	500	ND	D	II				
		730 kHz							
XEX (assignment deleted)	Leon, Gto	100,000-D/50,000-N	ND	U	1-A				
		730 kHz							
XEX (assignment deleted)	Guadalajara, Jal	500	ND	U	II				
		730 kHz							
XEX (assignemnt deleted)	Monterrey, N. L	500	ND	U	II				
		730 kHz							
XEX (assignment deleted)	Tampico, Tams	500	ND	U	II				
		730 kHz							
XEX (assignment deleted)	Veracruz, Ver	50,000-D/10,000-N	ND	U	II				
		760 kHz							
XEABC (PO 5000, ND-D)	Los Reyes, Mex	20,000-D/10,000-N	DA-2 ND-190	U	II				
		840 kHz							
XEFG	Celaya, Gto., N. 20°30'53", W. 100°49'10".	1000	ND-176	U	II	246	120	246	
		840 kHz							
XEMY	Cd. Mante, Tams., N. 22°48'54" W. 90°56'45".	500	ND-176	U	II	246	120	246	
		850 kHz							
XETQ (PO 10,000, DA-N, U)	Orizaba, Ver	100,000-D/50,000-N	DA-N	U	1-B				
		860 kHz							
XETW	Tampico, Tams., N. 22°13'00", W. 97°51'19".	500	ND-175	D	II	259	90	259	
		920 kHz							
XEBH	Hermosillo, Son., N. 29°05'30", W. 110°56'10".	5000-D/1000-N	ND-194.5	U	III	302	120	279	
		950 kHz							
XEGM (PO 2500, ND, U)	Tijuana, B.C	10,000-D/5000-N	DA-2	U	III				
		960 kHz							
XEGB	Coatzacoalcos, Ver., N. 18°08'16", W. 94°26'15".	1000-D/500-N	ND-175	U	III	215	90	236	
		1000 kHz							
XEOY	Mexico, D.F	10,000	ND-225	U	1-B	448	120	246	
		1040 kHz							
XEXC (In operation)	Tala, Jal., N. 20°40'37", W. 103°20'22".	250	ND-175	D	II	213	90	213	2.7.72.
		1050 kHz							
XED	Mexicali, B.C	10,000-D/1000-N	DA-1	U	II				
		1080 kHz							
XETA (See assignment on 600 kHz).	Zitacuraro, Mich	500-D/100-N	ND	U	II				
		1100 kHz							
XEBD (in operation)	Perote, Ver., N. 19°33'58", W. 97°14'32".	250	ND-175	D	II	201	90	200	11.16.71.
		1120 kHz							
XEZB (in operation)	Oaxaca, Oax., N. 17°03'52", W. 96°43'06".	500	ND-175	D	II	220	90	180	3.11.72.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number Radials	Length (feet)	
		1130 kHz							
XEFN (PO 250, ND, D)	Uruapan, Mich., N. 19°25'02", W. 101°57'17".	*1000*	ND-202	D	II	317	120	197	10.1.72 probable.
		1140 kHz							
XEXF (PO Romita, Gto.)	Leon, Gto.	5	ND-184	D	II	230	90	220	1.1.72 probable.
		1150 kHz							
XERM	Mexicali, B.C.	1000-D/500-N	ND-175	U	II				
		1180 kHz							
XEFR	Mexico, D.F. N. 19°25'43", *W. 99°07'07".*	1000	ND-175	U	II	208	90	171	
		1240 kHz							
XETC (PO 250, ND, U)	Torreon, Coah., N. 25°32'18", W. 103°27'55".	*500-D*/250-N	ND-161	U	IV	131	120	131	11.1.72 probable.
		1270 kHz							
XEOH (under construction)	Cd. Camargo, Chih.	1000-D/150-N	ND	U	III				1.1.73 probable.
		1270 kHz							
XEYUC (under construction)	Merida, Yuc., N. 20°58'17", W. 89°36'57".	1000-D/500-N	ND-190	U	III	194	120	194	1.1.73 probable.
		1280 kHz							
XEFG (in operation)	Panzacola, Tlax., N. 19°08'30", W. 98°12'00".	1000-D/250-N	DA-1	U	III				8.1.72.
		1300 kHz							
XEABA	Nueva Rosita, Coah., *N. 27°56'12", W. 101°11'09".*	1000-D/100-N	ND-175	U	III	139	90	189	
		1300 kHz							
XEHU (PO 500-D/100-N, ND, U).	Martinez de la Torre, Ver., N. 20°03'05", *W. 97°00'08".*	5000-D/100-N	DA-D ND-193	U	III	210	120	210	
		1300 kHz							
XELE	Tampico, Tams., N. 22°15'34". *W. 97°52'14".*	1000-D/150-N	ND-175	U	III	171	90	171	
		1300 kHz							
XERD (assignment deleted)	Pachuca, Hgo.	500	ND	D	III				
(New) (assignment deleted)	Leon, Gto.	500-D/100-N	ND	U	IV				
		1300 kHz							
XEXV (new)	San Francisco del Rincon, Gto.	1000	ND	D	III				9.1.72 probable.
		1310 kHz							
XEVB (previously notified with 1000, ND-D) (under construction).	Villa de Juarez, N. L., N. 25°39'00", W. 100°05'30".	1000-D/*250-N*	ND-185	U	III	184	120	172	1.1.73 probable.
		1320 kHz							
XECY	Hue jut la, Hgo., *N. 21°09'00",* W. 98°25'14".	1000-D/250-N	ND-190	U	III	186	120	186	
		1320 kHz							
XEJZ (PO 500-D/250-N, ND, U)	Cd. Jimenez, Chih., N. 27°07'52", W. 104°55'24".	*1000-D*/250-N	ND-185	U	III	190	90	351	1.1.73 probable.
		1330 kHz							
XECF	Merida, Yuc., N. 21°00'00.7", *W. 89°35'56.5".*	1000	ND-188	U	III	199	90	197	
		1330 kHz							
XERP (PO 1000-D/100-N, ND, U).	Cd. Madero, Tams., N. 22°16' 24", *W. 97°50'21".*	10,000-D/100-N	DA-D	U	III	185	120	187	
		1340 kHz							
XECI (PO 250, ND, U)	Acapulco, Gro., N. 16°50'06", W. 99°55'29".	1000-D/250-N	ND-158.5	M	IV	131	90	131	
		1340 kHz							
XERCH (change in call letters, previously XEKP—in operation with 250-D/100-N).	Ojinaga, Chih., *N. 29°34'00",* *W. 104°24'00".*	1000-D/100-N	ND-170	U	IV	*169*	*90*	*148*	12.6.71.
		1370 kHz							
XEPA (PO 5000-D/250-N, ND, U).	Puebla, Pue., *N. 19°02'16",* *W. 98°12'05".*	5000-D/1000-N	DA-N ND-190	U	III	180	120	197	
		1370 kHz							
XEPJ (in operation with 1000-D/500-N).	Tlaquepaque, Jal., N. 20°34' 35", W. 103°20'05".	1000-D/500-N	ND-175	U	III	246	90	164	6.1.72.
		1400 kHz							
XERUY (PO 250, ND, U)	Merida, Yuc., N. 20°59'00", W. 89°38'00".	*1000-D*/250-N	ND-185	U	IV	167	120	167	10.1.72 probable.
		1410 kHz							
XEBS	Mexico, D. F., N. 19°23'27", *W. 99°39'28".*	5000-D/1000-N	ND-249	U	III	377	240	345	
		1410 kHz							
XECF	Los Mochis, Sin., *N. 25°48'00",* W. 108°57'06".	1000-D/500-N	ND-190	U	III	174	120	174	
		1430 kHz							
XEKR (assignment deleted)	Nueva Rosita, Coah.	100	ND	U	IV				
		1430 kHz							
XEOJ (assignment deleted)	Salamanca, Gto.	250	ND	D	IV				
		1440 kHz							
XEHE (cancel change in frequency from 1460 kHz).	Zapotlanejo, Jal.	500-D/100-N	ND	U	III				
		1450 kHz							
XEJM (PO 250, ND, U)	Monterrey, N. L., N. 25°39'29", W. 100°19'30".	*500-D*/250-N	ND-170	U	IV	171	90	102	9.1.72 probable.
		1450 kHz							
XEKM (PO 250, ND, U)	Minatitlan, Ver., N. 17°57'52", W. 94°31'56".	*500-D*/250-N	ND-178	U	IV	144	90	171	
		1460 kHz							
XEHE (see assignment on 1440 kHz).	Atotonilco el Alto, Jal., N. 20°32'30", W. 102°30'50".	250	ND-180.5	D	III	160	90	160	
		1480 kHz							
XEGX	San Luis de la Paz, Gto., *N. 21°17'00",* W. 100°32'00".	500-D/100-N	ND-188	V	III	164	120	164	

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number Radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		1490 kHz							
XEOB (assignment deleted)	Torreon, Coah	1000-D/250-N	ND	U	IV				
		1510 kHz							
XEJPM (in operation)	Cardel, Ver., N. 19°17'20", W. 96°17'10".	500	ND-190	D	II	164	120	164	1.25.72.
		1550 kHz							
XEXB (under construction)	Jalapa, Ver	10,000	ND	U	I-B				
		1560 kHz							
XEQZ (under construction)	Cd. Cuauhtemoc, Chih	2000-D/250-N	ND	U	II				
		1590 kHz							
XEACH (change in call letters, previously XEMB).	Monterrey, N.L	5000	DA-N	U	III				1.1.73 probable.
		1600 kHz							
XEPE (under construction)	Nogales, Son	1000	ND	D	III				1.1.73 probable.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-16275 Filed 9-22-72;8:50 am]

[Docket No. 19468, etc.; FCC 72R-255]

WIOO INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of WIOO, INC., Carlisle, Pa., Docket No. 19468, File No. BPH-6572; Howard J. Hilton, John E. McGowan, and John E. Hilton, doing business as Hilton, McGowan & Hilton, Carlisle, Pa., Docket No. 19469, File No. BPH-6631; Alexander Contract and Sylvia Contract, doing business as Cumberland Broadcasting Co., Carlisle, Pa., Docket No. 19471, File No. BPH-4704; for construction permits.

1. This proceeding involves the mutually exclusive applications of WIOO, Inc. (WIOO), Hilton, McGowan & Hilton (Hilton) and Cumberland Broadcasting Co. (Cumberland) for a new FM broadcast station at Carlisle, Pa. The Commission, by Order, FCC 72-233, 37 F.R. 6519, published March 30, 1972, designated these applications [1] for consolidated hearing on various issues. Presently before the Review Board are three petitions to enlarge issues, filed April 14, 1972, April 19, 1972, and April 26, 1972, by WIOO which seek issues relating to: (a) Hilton's compliance with the Commission's public file requirements and site availability; and (b) Cumberland's compliance with the Commission's public file requirements, its financial proposal, and a related 1.65 issue.[2]

AVAILABILITY OF PUBLIC FILES ISSUE AGAINST HILTON

2. Petitioner initially requests issues to determine whether Hilton has complied with §§ 1.580 and 1.594 [3] of the Commission's rules and whether Hilton has "misrepresented" the place where its public file is available. In support, WIOO has supplied an affidavit from its attorney, averring that on March 27, 1972, he personally visited the specified location where Hilton's application was to be kept and was told that the application had been removed from that location about 1 year prior to his visit. Unverified letters from Harold Swidler, president of WIOO, are also submitted which state that the Hilton application was not at its specified location on March 30, 1972, or April 4, 1972.

3. In opposition, Hilton submits an affidavit of Howard J. Hilton, a partner in the applicant, which indicates that the application was available from February 1969, until the "fall of 1971." At that time, affiant states, the file was removed for a period of approximately 6 months in order that a partner who had been out of the country could examine it. Hilton contends that its actions were reasonable because: (a) Nobody had requested to see the file in over 2½ years; (b) Hilton was unaware of the requirement that an additional notice be published when the application is designated for hearing (§ 1.594); (c) Hilton instructed the person responsible for making the file available to the public to notify him if a request were to be received; (d) Hilton further stated that, if such a request were received, he would personally deliver it; and (e) no member of the public nor any party to this proceeding was inconvenienced or prejudiced by the removal of the file.

4. In view of the affidavits submitted by WIOO and Hilton it appears to the Review Board that the application of Hilton was not available for inspection at the site specified by it in its notices of publication for approximately 6 months and, therefore, appropriate issues must be added.[4] Hilton has conceded in its opposition affidavit that its public file was not present in the specified location for a period of approximately 6 months and part of this time was during the critical period after its application was designated for hearing. The Board is in agreement with the Broadcast Bureau's comments, however, that the issue should be framed in terms of Hilton's compliance with § 1.526,[5] rather than §§ 1.580 and 1.594. These latter sections more directly deal with notice by local publication, whereas the allegations in the present petitions principally involve the maintenance of the public file and, therefore, § 1.526. Thus, Hilton's admitted violation of § 1.526 requires addition of the issue and neither the allegations that the public file is infrequently

[1] A fourth application, filed by Russel C. Lash (Docket No. 19470, File No. BPH-6864, was also designated for hearing but was later dismissed by the Hearing Examiner by Order, FCC 72M-570, released May 1, 1972.

[2] Also before the Review Board are the following related pleadings: (a) Opposition, filed May 10, 1972, by Hilton; (b) opposition, filed May 15, 1972, by Cumberland; (c) Broadcast Bureau's comments, filed May 15, 1972; (d) reply to (b), filed May 23, 1972, by WIOO; (e) Broadcast Bureau's supplement to (c), filed June 22, 1972; (f) supplement to petition to enlarge issues, filed July 14, 1972, by WIOO; (g) second supplement to petition to enlarge issues, filed July 19, 1972, by WIOO; (h) motion to strike, filed July 27, 1972, by Cumberland; (i) third supplement to petition to enlarge issues, filed August 7, 1972, by WIOO; (j) opposition to (h), filed August 7, 1972, by WIOO; (k) opposition to (f), (g) and (i), filed August 9, 1972, by Cumberland; (l) reply to (k), filed August 17, 1972, by WIOO; (m) reply to (j), filed August 17, 1972, by Cumberland; (n) opposition to (i), filed August 28, 1972, by Cumberland; (o) reply to (n), filed September 8, 1972, by WIOO. Although the Board will accept the supplements and deny the motion to strike (see footnote 7, infra), we note that we do not look with favor on such multiple filings, and that parties who engage in such filings do so at their own risk.

[3] Sections 1.580 and 1.594 require that an applicant publish a local notice indicating, respectively, that an application is on file with the Commission and that the Commission has established a hearing date. Such sections also require that the notice state a local address where the application and related material will be available for public inspection.

[4] As a preliminary matter, the Board notes that WIOO concedes that its second petition to enlarge was filed 5 days late as determined by section 1.229(b) and that its third petition to enlarge was filed 7 days after the second petition. The Board will, however, consider both petitions because the second petition raises substantial public interest questions, The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966), and the third petition was filed within a week after WIOO become aware of the facts which give rise to the allegations in the petition.

[5] Section 1.526 requires that all applicants for new broadcast facilities must maintain a local file containing the application and all related material for public inspection.

utilized, nor that the applicant was unaware of Commission requirements, nor that petitioner has not been prejudiced obviates the need for the specified inquiry. See North American Broadcasting Comanpy, Inc., 15 FCC 2d 984, 15 RR 2d 367 (1969); Jacksonville Broadcasting Company, 26 FCC 2d 929, 20 RR 2d 626 (1970); and Edward G. Atsinger, III, 29 FCC 2d 443, 21 RR 2d 1039 (1971). The Board does not believe, however, that the allegations raise a substantial question of misrepresentation and therefore no misrepresentation issue will be specified. However, all relevant inquiries regarding the conduct in question may be pursued under the issue as specified.

AVAILABILITY OF PUBLIC FILES ISSUE AGAINST CUMBERLAND

5. Petition next requests an issue to inquire into Cumberland's compliance with § 1.526 of the Commission's rules and the effect thereof on Cumberland's comparative qualifications, and an issue to inquire into the alleged refusal of Cumberland to make its public file available for inspection on April 19, 1972. In support, petitioner supplies two affidavits. The first is from petitioner's attorney, who avers that on March 27, 1972, he and Swidler went to the specified public file location and asked to see the public file. Mr. Contract (a Cumberland principal) handed a folder to him, and upon inspection the attorney "found it consisted solely of a letter of transmittal to the Commission dated March 2, 1971, and all of the application filed on that date." The attorney then avers that approximately 3 hours later he was in the office of Mr. Swidler when Swidler received a telephone call from Mr. Contract advising him that the file was not complete, and that Contract's wife had just informed him that there was other material and they were invited to inspect it. The second affidavit is that of John P. Hall and Ray Quigley, both of whom aver that "Mr. Contract denied Mr. Hall the opportunity to * * * examine said documents * * *" on April 19, 1972. The Broadcast Bureau, in its comments, expresses the view that, unless an adequate explanation is made in Cumberland's responsive pleading, enlargement of the issues is required by these affidavits.

6. In opposition, Cumberland submits the affidavits of Alexander Contract and Sylvia Contract, both of which are in substantial agreement with the affidavit of petitioner's attorney. As to the Hall and Quigley affidavit, however, Alexander Contract avers that Mr. Hall, who has a history of trouble with Mr. Contract,[6] addressed Mr. Contract in a "belligerent and abrasive manner" and was therefore asked to leave. Mr. Contract goes on to state that there was "no mention by either Mr. Hall or Mr. Quigley regarding the public inspection file." On the basis of the above, Cumberland argues that a section 1.526 issue is not needed because: (a) Corrective action was taken to include all relevant material in the public file immediately after the attorney's March 27, 1972, visit; (b) Mr. Swidler and his attorney were advised soon after their visit to inspect the public file that the amendments were then available; (c) no claim of prejudice has been made; and (d) no violation of § 1.526 occurred with respect to the visit by Hall and Quigley because neither asked to see the file.

7. The Review Board is of the opinion that neither of the requested issues relating to the availability of Cumberland's public files is warranted. In reference to the March 27, 1972, visit by petitioner's attorney, due to the immediate corrective action taken by Contract, no injury or prejudice to the parties or public has resulted. As shown by petitioner's affidavit, the complete file was available no more than 3 hours after petitioner's visit and petitioner was so informed. Furthermore, it appears that the omissions were minor in nature because the completed application as well as much of the later related material was contained in the file handed to petitioner's attorney. Finally, Contract's claim of inadvertence is neither challenged nor unreasonable and no purpose would be served by further inquiry into this matter on the basis of the present allegations. Media, Inc., 22 FCC 2d 875, 18 RR 1175 (1970). As for the affidavit of Hall and Quigley, the Board believes that in view of affidavits of Contract and his attorney detailing the hostile relationship between Contract and Hall and because Hall had been instructed by both the Justice of the Peace and his attorney to avoid confrontations with Contract, it was not unreasonable for Contract to ask Hall to leave the premises. In this regard the Board notes the sworn uncontradicted allegation of Contract that Hall's attitude was "belligerent and abrasive." In view of all the circumstances, the Board is of the opinion that no issue is warranted as to the availability of Cumberland's public file.

SITE AVAILABILITY ISSUE AGAINST HILTON

8. Petitioner requests a site availability issue and a related Rule 1.65 issue against Hilton. In support, petitioner supplies the affidavit of Harold Swidler, president of WIOO, who avers that he "drove to, and checked" Hilton's proposed site and learned that when Hilton's "6-month option" expired the property was sold to a different party. Swidler avers that he spoke with the new owner, who told Swidler that he was building on the property and "was not interested" in selling to Hilton.

9. In opposition, Hilton argues that petitioner's request is fully rebutted by an attached affidavit of Howard J. Hilton, a partner in the applicant, and amendments to the Hilton application on file with the Commission. Hilton avers that the option on the land mentioned in Swidler's affidavit did, in fact, expire but that soon thereafter Hilmac United Corp., Hilton's predecessor as an applicant, purchased "20 acres of land next to the parcel specified in the option * * *". Furthermore, notes Hilton, Hilmac United has agreed to lease the land to the applicant, as reported to the Commission in an amendment to the application filed on July 28, 1970. Hilton also declares that, after discussion with their consulting engineer, it was their belief that the slight shift in location would require only that the geographical coordinates specified in the application be changed. Subsequently, notes Hilton, in an amendment to its application dated January 24, 1970, and filed with the Commission on January 26, 1970, Hilmac United informed the Commission that its costs for acquiring land would be reduced to $3,200, that the applicant's studio would not be located at the transmitter site, and that the North Latitude coordinate for the site specified in the original application should be changed by 6 seconds. The Broadcast Bureau also opposes the requested issues on the basis that the "request was grounded solely on a hearsay affidavit," citing Augusta Telecasters, Inc., 10 FCC 2d 594, 11 RR 2d 625 (1967).

10. The Review Board will deny the requested site availability issue and related Rule 1.65 issue against Hilton. Initially, the Board is in agreement with the Broadcast Bureau that the subject request does not comport with the requirements of Rule 1.229. Petitioner's request is, in fact, grounded solely on a hearsay affidavit and no explanation has been offered as to why an affidavit from the owner of the property was not submitted. Augusta Telecasters, Inc., supra. We have, however, examined the merits of petitioner's request and find these to be inadequate. As shown by Hilton's opposition and related previous amendments, a site is presently available to that applicant and the Commission has been advised of its plans for a transmitter site as required by Rule 1.65.

FINANCIAL ISSUES AGAINST CUMBERLAND

11. On April 14, 1972, petitioner requested the addition of four issues to inquire into the availability of certain loans relied upon by Cumberland and the terms thereof, as well as a related Rule 1.65 issue. However, the Hearing Examiner has recently accepted an amendment (FCC 72M-832, released June 27, 1972) by Cumberland which totally restructures its financial proposal. This amendment establishes a new financial plan which substitutes a $75,000 loan commitment from Mr. Henry Marshall for the previous commitments, reduces the amount of existing capital available from $19,000 to $4,500, and provides that $63,000 is available from the proposed sale of property. Cumberland proposes first-year operating and construction costs of $108,545 and the amendment purports to establish Cumberland's financial ability to meet this requirement from liquid assets totaling $142,500. This amendment therefore moots the issues requested by petitioner

[6] Affidavits by Mr. Contract and his local attorney are submitted by Cumberland for the purpose of showing a series of incidents which alledgedly explain the reason that Mr. Hall was asked to leave the premises on the occasion in question. These affidavits state that Mr. Hall had been instructed by both the justice of the peace and his attorney to avoid confrontations with Mr. Contract, due to a series of altercations, at least one of which resulted in a fist fight.

on April 14, 1972, which deal with the availability of loans to Cumberland and terms thereof.

12. In response to the above-described Cumberland amendment WIOO has filed three supplemental petitions which challenge both the value of the property proposed for sale by Cumberland and Mr. Marshall's intention to in fact make the $75,000 loan. In support thereof, petitioner submits an affidavit of Harold Swidler in which Mr. Swidler avers that he met with Mr. Marshall and it was Swidler's "impression" that the letter of commitment to the Contracts was only a "favor to a friend" and that Mr. Marshall intended to review the Contracts' financial position prior to actually making the loan in question. Petitioner also attacks Mr. Marshall's commitment on the grounds that "it makes no sense" to agree to a loan for operation of an FM-only station without collateral and payable over a period of years with no payment during the first 13 months. Petitioner also challenges that part of Cumberland's financial proposal which relates to the sale of certain real estate, arguing first that such property is not a liquid asset because there is no offer from a qualified buyer, and, second, that the market value of the property in question is approximately one-half that shown in Cumberland's amendment. In support of this latter contention, WIOO has supplied sworn appraisals by four local realtors whose estimates of the value of the property in question range from $33,000 to $36,000.[7]

13. In opposition[8] Cumberland submits the affidavit of Henry Marshall, dated July 11, 1972, in which he states that he has no "reservation or equivocation with respect to the loan commitment" and that the "loan commitment stands as made." In reference to the appraisals supplied by WIOO, Cumberland argues that the realtors involved did not have "personal knowledge" because of the appraisers' failure to take account of "substantial capital improvements" and resulting increases in rental from the property. Cumberland also supplies an affidavit from the Contracts which states that a smaller property in the same block recently sold for $165,000 and gives a detailed description of the recent capital improvements made to the structure in question.

14. The Review Board will add a limited financial issue. Petitioner has supplied four affidavits from local area realtors, each of which estimate the fair market value of the property in question to be less than $36,000 before encumbrances. This represents a $50,000 difference from the figures supplied by Cumberland's appraisers and, if substantially correct, would indicate that Cumberland's financial proposal falls far short of meeting the currently estimated expenses. Moreover, three of the four affidavits clearly indicate that the appraiser made a recent and personal inspection of the property, thereby rebutting Cumberland's contentions that the appraisers lacked personal knowledge of the premises. Thus, in view of the size of the discrepancy among the various appraisers, the Board believes that the current value is in doubt and therefore inquiry at hearing of all matters pertinent to such value is appropriate.[9] The Board does not, however, believe that petitioner has supplied sufficient allegations at the present time to inquire into the motives behind Mr. Marshall's loan commitment. The allegations in no way indicate either that Mr. Marshall does not have sufficient assets to make the loan or that Mr. Marshall does not intend to honor his commitment. Mr. Swidler's "impression" that the loan commitment was given only as a "favor" is clearly rebutted by Mr. Marshall's current affidavit in which he reiterates his commitment and avers "every intention of providing the loan as previously indicated and [I] possess the resources to carry it through." Thus, petitioner's belief that the loan "makes no sense" is simply inadequate to add that portion of the requested issue.

15. In reference to the requested Rule 1.65 issue,[10] petitioner charges that: (a) Cumberland relies upon a loan of $50,000 in principal amount from the Farmers Trust Co., as evidenced by a letter dated March 1, 1971, and filed as an amendment to Cumberland's application on May 27, 1971, and yet it appears from an attached affidavit of petitioner's attorney that, subsequent to the letter of March 1, 1971, but before the amendment was filed on May 27, 1971, the applicant had received two superseding letters from the bank which have not been reported; (b) Cumberland's balance sheet does not set forth the amounts payable within the next 12-month period as a current liability on various mortgages payable; (c) Cumberland's balance sheet does not reflect an additional mortgage in the amount of $6,500 entered into on December 23, 1971; (d) Cumberland has not amended the balance sheet of its principals to reflect a mortgage note executed on January 18, 1971; (e) Cumberland's application failed to disclose the existence of two judgments against its principals totaling in excess of $32,000; (f) a Mr. James Line, who originally agreed to lend Cumberland $30,000 "has advised Cumberland that he no longer intends to fulfill his commitment to it"; and (g) Donald C. Hartman has agreed to lend Cumberland $20,000 without security or interest for a period of 4 years and yet there is no indication as to why Mr. Hartman is "so generous."

16. Both Cumberland and the Broadcast Bureau oppose addition of the requested Rule 1.65 issue. The Broadcast Bureau opposes addition of the issue primarily because of the "speculative and hearsay nature" of petitioner's allegations, urging that such allegations do not comply with Commission Rule 1.229. Substantively, Cumberland submits various affidavits in explanation of petitioner's allegations. In reference to the bank loan, Cumberland states that the Farmers Trust Co. loan of $50,000 remained in effect until April 7, 1972. Furthermore, notes Cumberland, initially a loan in the amount of $30,000 was to be obtained from another party and when such loan "did not materialize" Farmers Trust was requested to increase its loan commitment to $80,000, which it did by letter of May 5, 1971. Later, explains Cumberland, after the loan had been obtained from Mr. Line, Cumberland elected to stand on the March 1, 1971, letter and "to have amended and created the impression that Cumberland relied on $80,000 from Farmers Trust would have been fraud." Cumberland also avers that the above details all correspondence between the bank and Cumberland during the period in question. Cumberland also urges that petitioner's references to "unreported" judgments and mortgages are based on petitioner's misunderstanding of Pennsylvania law and Cumberland's balance sheet. In support thereof, Cumberland submits an opinion of counsel indicating that under Pennsylvania law, loans are often accompanied by signed, confessed judgments which are recorded by the lender and are nothing more than recordations to protect the lender when the loan is made. Therefore, argues Cumberland, there are no judgments extant against the principals of Cumberland. Further, Cumberland supplies a "classification" by its accountant explaining where the loans in question appear on the balance sheet and noting

[7] By affidavit dated July 21, 1972, the Notary Public who notarized these affidavits withdrew her notarization after learning that at least one of the notarizations was unauthorized. WIOO subsequently submitted new notarizations of these appraisals and because of the serious questions raised the Board believes it necessary to consider the substance of these appraisals. It should also be noted that inquiry as to the circumstances surrounding the allegedly unauthorized notarizations is being sought in a separate request for enlargement which is presently pending before the Board.

[8] In response to these supplemental petitions, see footnote 2, supra, Cumberland has filed a motion to strike, as well as an opposition. The motion to strike argues that WIOO's "supplements" are unauthorized, untimely, hearsay and cumulative. Because the supplements are in response to an amendment attempting to cure Cumberland's previously challenged financial proposal and because such supplements raise substantial questions concerning Cumberland's financial proposal, the Board will deny Cumberland's motion to strike.

[9] It is to be further noted that the amount of the discrepancy is indeed substantial ($50,000), and the Board does not believe that sufficient information is present in order to make a qualified examination of this issue. In this regard the affidavits contain cursory comments on the appropriateness of using various methods of evaluation, such as current market values, income approach and replacement value. In sum, the Board believes this matter would be better examined during hearing.

[10] The Board notes that the allegations supporting the requested Rule 1.65 issue relate to Cumberland's unamended financial proposal. While this showing is no longer relevant to that applicant's financial qualifications, the details will be considered to the extent necessary to determine whether a Rule 1.65 issue is warranted.

that all payments are presently current. In reference to the January 18, 1971, mortgage, Cumberland notes that the mortgage is current and is clearly indicated in its balance sheet. In reference to the loan commitment from James Line, Cumberland submits Line's affidavit, in which he avers that he did not communicate to Cumberland his withdrawal of the loan commitment until April 6, 1972. Also submitted by Cumberland is a letter from Donald C. Hartman dated April 18, 1972, which indicates that there had been no prior notice of the withdrawal of his loan commitment. In reply, petitioner contends that the withdrawal of the loan commitments from Farmers Trust, James Line, and Donald Hartman were not properly reported and therefore the requested issue must be added.

17. The Review Board is of the opinion that the requested Rule 1.65 is not warranted. In reference to petitioner's criticisms of Cumberland's balance sheet we have reviewed the contents thereof and believe all current obligations are adequately and fairly set forth. Further, we have no reasons to doubt the undisputed opinion of counsel that the Cumberland "judgments" are current, are in accordance with customary lending procedures in Pennsylvania, and "certainly should not be regarded as adverse legal proceedings for the collection of debts." [11] Finally, Cumberland has supplied uncontroverted affidavits revealing that Cumberland was, at most, 9 days late with respect to reporting the withdrawal of a previous loan, which, we believe, constitutes substantial compliance with the requirements of Rule 1.65. Harvit Broadcasting Corp., 32 FCC 2d 656, 23 RR 2d 328 (1971). Thus, Cumberland has, to our satisfaction, adequately answered the petitioner's allegations, and we find no need for further exploration of this matter at the hearing.

18. *Accordingly, it is ordered,* That the petitions for enlargement of issues, filed April 14, 1972, April 19, 1972, and April 26, 1972, by WIOO, Inc., are granted to the extent indicated below, and are denied in all other respects; and the motion to strike, filed July 27, 1972, by Cumberland Broadcasting Co. is denied.

19. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

1. To determine whether Hilton, McGowan & Hilton has complied with § 1.526 of the Commission's rules, and if not, the effect thereof upon the applicant's basic or comparative qualifications to be a Commission licensee; and

2. (a) To determine the current marketability and a reasonable fair market value of the property proposed for sale by Alexander Contract and Sylvia Contract doing business as Cumberland Broadcasting Co.;

(b) To determine whether, in light of the evidence adduced pursuant to subpart (a) of this issue, Cumberland Broadcasting Co. is financially qualified.

20. *It is further ordered,* That the burden of proceeding with the introduction of evidence under issue 1. added herein shall be upon WIOO, Inc., and the burden of proof under the issue shall be upon Hilton, McGowan & Hilton; and the burdens of proceeding and proof under issue 2. shall be on Cumberland Broadcasting Co.

Adopted: September 15, 1972.

Released: September 20, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-16274 Filed 9-22-72;8:50 am]

[11] Indeed, this interpretation comports with the explanation which petitioner's principals proffered to the Board at an earlier stage of this proceeding. See WIOO, Inc., FCC 72R-231, released Aug. 22, 1972.

[12] Board Member Pincock absent.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 144]

TWIS INTERNATIONAL, INC.

Order of Revocation

On September 7, 1972, Twis International, Inc., 200 East 74th Street, New York, N.Y. 10021, voluntarily surrendered its FMC License No. 144.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated May 1, 1972);

It is ordered, That the Independent Ocean Freight Forwarder License No. 144 of Twis International, Inc., be and is hereby revoked effective September 7, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Twis International, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-16253 Filed 9-22-72;8:52 am]

[Independent Ocean Freight Forwarder License 1295]

ALASKA CUSTOM BROKERS, INC.

Order of Revocation

By letter of September 5, 1972, Alaska Custom Brokers, Inc., 259 Colman Building, Seattle, WA 98104, requested the cancellation of its Independent Ocean Freight Forwarder License No. 1295, effective immediately.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1295 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License No. 1295 of Alaska Custom Brokers, Inc. be and is hereby revoked effective September 5, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Alaska Custom Brokers, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-16252 Filed 9-22-72;8:52 am]

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forward to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Eric G. Brown, Secretary, Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, 10, Place de la Joliette (2me), Marseilles, France.

Agreement No. 9020-18 modifies Article 2, Membership, by specifying that in the event of dissolution of groups of lines within the pool prior to expiration of the pool itself, the individual members of such groups must notify the Conference Secretary * * * by March 1st of the shipping year, in lieu of * * * by March 1, 1963, as the article presently reads.

Dated: September 20, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-16251 Filed 9-22-72;8:52 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Act, as amended.

Certificate No.	*Owner/operator and vessels*
01011	Aktieselskabet det Ostasiastiske Kompagni: Pretoria.
01019	Hagb. Waage: Runa. Rinda.
01150	Chevron Transport Corp.: Paul L. Fahrney.
01198	A/S Docrefjell and A/S Falkefjell: Varangfjell.
01252	A/K Havtor: Havsul.
01278	Leonhardt & Blumberg: Frank Leonhardt. August Leonhardt.
01320	Friedrich A. Detjen Kajen: Indus.
01427	Pacific Steam Navigation Co.: Oropesa.
01517	Salamia A/S.: Skaukar.
01530	Herm. Dauelsberg, Bremen: Flavia.
01613	Readon Smith Line: Cardiff City. Houston City.
01831	Panamanian Star Ship. S.A.: Panamanian Star.
01833	Ocean Lanes Transports, Inc.: Bauhinia.
01982	AB Svenska Ostasiatiska Kompaniet: Sabang. Minikoi.
02002	Rederi A/B Transocean: Stolt Bera.
02242	Dal Deutsche Afrika-Linien G.m.b.H. & Co.: Palabora. Woermann Ubangi.
02298	L. Martin Et Cie.: Penja.
02341	Koninklijke Nederlandsche Stoomboot maatschappij N.V.: Charis.
02501	Standard Oil Co. of California: Nevada Standard.
02575	Sandra Shipping Co., Ltd.: Surora.
02727	Societe Maritime des Petroles BP: Chambord.
02839	Valles Steamship Co., Ltd.: Silver Clipper. Silver Zephyr. Silver Pagoda. Silver Palace. Silver Castle. Silver Bay. Silver Constellation. Silver Shelton.
02850	Maritime Lloyd, Inc.: Seatransport.
02862	Ocean Shipping & Enterprises, Ltd.: Ocean Builder.
03076	M. L. Crochet Towing Co., Inc.: Crochet 103. Crochet 300.
03314	Gulf Oil Corp.: Gulflube. Gulfservice.
03422	Daiwa Kaiun K.K.: Aki Maru.
03438	Inui Kisen K.K.: Koho Maru.
03467	Nichiro Gyogyo K.K.: Shinano Maru.
03469	Nihon Kaisho K.K.: Port Louis Maru.
03509	Taiyo Shosen K.K.: Riyo Maru.
03632	A/S Turid: Forra.
04004	Soninklijke Java China-P.L.N.V.: Straat Banka.
04170	Dillingham Corp.: HTB-4.
04183	Vita Food Products, Inc.: Dipper.
04228	Compagnie Maritime Belge (Lloyd Royal) S.A.: Lulua.
04357	Koninklijke Nedlloyd N.V.: Billiton.
04369	Platsani Limitada S.A.: Maria N.
04564	Yamashita Shinnihon K.K.: Yusui Maru.
04636	Naviera Salvadorena S.A.: San Salvador.
04826	Ithaca Star Shipping, Ltd.: Stolt Sakura.
04829	Bright Star Steamship Co., Inc.: Captain John.
04846	Prime Shipping Corp.: Prime Orion.
04942	Miguel Cia. Nav. S.A.: Stolt Prince.
05033	Connecticut Towing, Inc. & Gas Town, Inc.: New Haven. Eileen T.
05420	Euroship Navigation Co. S.A.: Eurodawn.
05435	Beaver Oil Transport, Ltd.: Beaver.
05437	Dow Chemical Co.: FTS-10. DC-50.
05656	Ceylon Shipping Corp., Ltd.: Lanka Rani.
05752	J. D. Pierson, Jr., Pierson Towing Corp.: Mutual No. 2.
05807	N. V. Scheepvaartbedrijf "Gruno" Groningen: Marianne.
05903	Odin Navigation Co. S.A.: Hollyhock.
05935	Anaqua Corp. of Panama: Anaqua.
05963	Antares Tanker Corp.: Antares.
05970	Toro Transportation Co.: Billy.
06051	Franicons Compania Naviera S.A.: Pergamos.
06197	Toledo Compania Naviera S.A. Panama: Lingestroom.
06247	Armatrice Santa Christina S.P.A.: Carlo Cameli. San Giusto.
06308	Cathay Trader Steamship Co., Ltd.: Kingsland Trader. Oriental Trader.
06314	Fukumaru Gyogyo Kabushiki Kaisha: Fuku Maru No. 18.
06361	Diana Marine, Inc.: Asia Hunter.
06377	Elix Navigation Corp.: Anastasia E.
06597	Harmony Transport Corp., Inc.: Ocean Harmony.
06612	Oswego Latex Carrier Corp.: Old Dominion State. Sunshine State.
06877	Societe Francaise de Transports Maritimes-Paris: Bearn.
06961	Union Fair Shipping Co., Inc.: Grand Apollo.
07002	Kabushiki Kaisha Tokushima Shokai: Yamaki Maru.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-16254 Filed 9-22-72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. E-7769]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Rate Changes

SEPTEMBER 19, 1972.

Take notice that on September 1, 1972, Delmarva Power & Light Co. (Delmarva), Delmarva Power & Light Co. of Maryland (Delmarva-Maryland), and Delmarva Power & Light Co. of Virginia (Delmarva-Virginia) tendered for filing changes in their electric rate schedules, as follows:

(1) Delmarva—
(a) FPC Electric Tariff Volume No. 4 (superseding FPC Electric Tariff Volume No. 2);
(b) Supplement No. 2 to Rate Schedule FPC No. 35;
(c) FPC Electric Tariff Volume No. 5 (superseding FPC Electric Tariff Volume No. 3);
(2) Delmarva-Maryland—
(a) FPC Electric Tariff Volume No. 4 (superseding FPC Electric Tariff Volume No. 2);
(b) FPC Electric Tariff Volume No. 5 (superseding FPC Electric Tariff Volume No. 3);
(3) Delmarva-Virginia—
FPC Electric Tariff Volume No. 2 (superseding FPC Electric Tariff Volume No. 1)

Delmarva, Delmarva-Maryland, and Delmarva-Virginia propose to make these changes effective October 1, 1972.

The applicants state that the proposed changes will produce $1,504,823 additional revenue from wholesale-for-resale customers, based on billings for the 12 months ending December 31, 1971.

The applicants further state that the proposed rate increase is necessitated by their program of capital construction and by increased operating costs.

Copies of the applicant's filing were delivered to all customers to which the changes are applicable.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street

NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-16342 Filed 9-22-72;8:54 am]

[Docket No. R-450; Order No. 456-B]

STATE OF LOUISIANA SEVERANCE TAX

Increased Rate Filings

SEPTEMBER 15, 1972.

Order waiving certain requirements of the regulations with respect to filing rate schedule supplements relating to increase in severance tax of the State of Louisiana and establishing procedures with respect to such filings.

In extraordinary session, the State of Louisiana has further amended its severance tax, effective September 1, 1972.[1] As a result, many producers making jurisdictional sales of natural gas produced in Louisiana may have the right to collect higher rates. In such circumstances, the Natural Gas Act and the Commission's regulations thereunder require that any such proposed increased rate be filed with the Commission.[1a]

To simplify the filing of such proposed increased rates, the Commission deems it proper and in the public interest on its own motion to waive the 30-day-notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94 (b) of the regulations (18 CFR 154.94 (b)), and to waive the requirements of § 154.94(f) of the regulations (18 CFR 154.94(f)) with respect to any proposed change in rate based solely upon the increase in the Louisiana severance tax. Accordingly, any such proposed increase in rate may be filed in the form prescribed herein and if the filing is made on or before October 16, 1972, the 30-day-notice period will be waived and an effective date of September 1, 1972, will be granted.[2] In the event a filing is made after October 16, 1972, it will be effective as of the date of filing.

Pursuant to this Commission's Opinion No. 598, as amended, issued July 16, 1971, in Dockets Nos. AR61-2, et al., and AR-69-1, and Opinion No. 607, as amended, issued October 29, 1971, in Dockets Nos. AR67-1, et al., the area rates prescribed in said opinions for the Southern (onshore) and Northern Louisiana Areas, respectively, are adjusted upward by 87.5 percent of the subject increase in severance tax. All producers making sales in the Louisiana taxing jurisdiction are therefore entitled, to the extent contractually authorized under a tax reimbursement provision or otherwise, to file increased rates up to the new ceilings and such filings may be made pursuant to the provisions of this order without regard to the specific type of contractual authorization involved. These filings will be accepted, without refund obligation.[3]

Finally, we shall permit pipelines with purchased gas adjustment clauses, including those which may become effective after September 1, 1972, to accumulate in their deferred accounts the increased costs relating to producer filings made pursuant to this order commencing with the effective date of the producer increases.

The Commission finds:

(1) Good cause exists and it is appropriate and in the public interest in the administration of the Natural Gas Act to waive the 30-day-notice requirements set forth in section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d) and § 154.94(b) of the Commission's regulations thereunder (18 CFR 154.94(b) and to waive the requirements of § 154.94(f) of the Commission's regulations (18 CFR 154.94(f)) with respect to the filing, as hereinafter ordered, of any appropriate supplement reflecting the increase in the Louisiana severance tax.

(2) The waiver of the requirements relating to notice and to filing herein adopted relieve a restriction and involve matters of Commission practice and procedure. The notice, hearing, and effective date provisions of section 553 of title 5 of the United States Code are therefore inapplicable.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 7, and 16 thereof (52 Stat. 822, 824, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o) and in accordance with sections 552 and 553 of title 5 of the United States Code, orders:

(A) Rate schedule changes solely reflecting the increase in the Louisiana severance tax may be filed in the following form:

Field: _____
Parish: _____
Area: No. La. ☐ So. La. ☐

1. This filing is submitted pursuant to Commission Order No. 456-B to reflect reimbursement of the increase in the Louisiana severance tax effective September 1, 1972, levied on producers of natural gas and/or casinghead gas.

2. Such reimbusement is provided by section _____ of the contract dated _____ between _____ and _____ on file with the Commission and designated _____ FPC Gas Rate Schedule No. _____.

3. A copy of this filing was served on the buyer as required by the Commission's regulations on _____.

4. Comparison of rates prior to and subsequent to such change in rate (cents per Mcf at 15.025 p.s.i.a.):

Total price before increase	*Tax reimbursement increase*	*Total price after increase*
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sales for 12 months ending _____: _____ Mcf

☐ Total prices shown are subject to B.t.u. adjustment.

☐ Total prices shown reflect B.t.u. adjustment, based on B.t.u. content of: _____.

Filing party: _____
Address: _____
Signed: _____

(B) The 30 day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and the requirements of § 154.94(f) of the regulations (18 CFR 154.94(f)) are waived with respect to those filings permitted by ordering paragraph (A) above.

(C) Any increased rate filing solely reflecting the increase in Louisiana severance tax which does not exceed the applicable higher ceiling authorized under either Opinion No. 598 or 607, as amended, as a result of said tax increase shall be accepted, without refund obligation, effective as of September 1, 1972, if the filing is made on or before October 16, 1972, and as of the date of filing if the filing is made subsequent thereto.

(D) Pipeline companies with purchased gas adjustment clauses, including those which may become effective after September 1, 1972, may accumulate in their deferred accounts the increased costs relating to producer filings made pursuant to this order commencing with the effective date of the producer increases.

(E) This order shall be effective upon issuance.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-16171 Filed 9-22-72;8:45 am]

---

[1] Orders Nos. 456 and 456-A pertained to an earlier severance tax increase enacted by the State of Louisiana on July 3, 1972, which became effective Aug. 1, 1972. The amendment by the State of Louisiana involved here provides for a 3.3-cent-per-Mcf severance tax, effective Sept. 1, 1972, in lieu of the tax in effect on Aug. 1, 1972, of 11.5 percent of the value of the gas or 2.3 cents per Mcf, whichever is greater.

[1a] Any small producer, having been certified as such, is exempt from the filing provisions and requirements of this order for all sales made under such small producer certificates.

[2] In view of the early effective date for the tax increase and the recent adoption of purchased gas adjustment clauses for pipelines, the effective date provisions of section 4.2 of the UDC settlement proposal in Opinion No. 598 are waived for sales from Southern Louisiana.

[3] It makes no difference whether a filing is permitted under the tax reimbursement provision or some other pricing provision in a contract.

[Docket No. CP73-42]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

SEPTEMBER 14, 1972.

Take notice that on August 11, 1972, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, Tex. 77002, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP73-42 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain natural gas facilities and the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

Applicants seek authorization to exchange natural gas pursuant to an agreement whereby Transco will deliver or cause to be delivered for United's account at the tailgate of Continental Oil Co.'s Egan Plant, Arcadia Parish, La., up to 5,100 Mcf of natural gas per day. Applicants state that United will return contemporaneously, equal volumes of natural gas to Transco at any mutually agreeable authorized exchange point between the two companies. Applicants state that no construction will be necessary to carry out the exchange.

Applicants indicate that the exchange is designed to enable United to make deliveries to Trunkline Gas Co. (Trunkline) at the tailgate of Continental's Egan plant pursuant to a transportation agreement between United and Trunkline dated October 11, 1971, as amended June 13, 1972.

Applicants state that pursuant to the original agreement United received authorization from the Commission to transport natural gas for Transco to the tailgate of Humble Oil & Refining Co.'s Garden City plant in St. Mary Parish, La., on April 17, 1972, in Docket No. CP72-192 (48 FPC ____) and that the agreement was subsequently amended because United was unable to make the necessary arrangements to deliver the required volumes to the Garden City plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-16201 Filed 9-22-72;8:46 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's current economic policy directive issued at its meeting held on June 19-20, 1972.[1]

The information reviewed at this meeting, including recent data for such measures of business activity as industrial production, employment, and retail sales, suggests that real output of goods and services is growing at a faster rate in the current quarter than in the two preceding quarters, but the unemployment rate remains high. In May wholesale prices of farm and food products advanced appreciably—after having changed little in April—and the rise in prices of industrial commodities remained substantial. The most recent data suggest some moderation in the pace of advance in wage rates. The U.S. balance of payments has been in surplus in recent weeks on both the official settlements basis and the net liquidity basis. In April, however, the excess of merchandise imports over exports was even larger than in February and March. Some strains have developed in international financial markets recently, involving European currencies.

Growth in the narrowly defined money stock slowed further in May, while growth in the broadly defined money stock stepped up somewhat as inflows of consumer-type time and savings deposits to banks expanded considerably; over the April-May period, growth in both measures of the money stock was well below the high rates in the first quarter of the year. The outstanding volume of large-denomination CD's increased substantially further in May, and expansion in the bank credit proxy remained rapid. In recent weeks, market interest rates have continued to fluctuate in a narrow range.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of possible Treasury financing and developments in capital markets, the Committee seeks to achieve bank reserve and money market conditions that will support moderate growth in the monetary aggregates over the months ahead.

Subsequent to this meeting, on July 6, 1972, Committee members voted to amend this current economic policy directive by adding a reference to international developmenst in the final paragraph. As amended, that paragraph read as follows:

To implement this policy, while taking account of possible Treasury financing, developments in capital markets, and international developments, the Committee seeks to achieve bank reserve and money market conditions that will support moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, September 13, 1972.

MURRAY ALTMANN,
Assistant Secretary.

[FR Doc.72-16206 Filed 9-22-72;8:46 am]

[1] The record of policy actions of the Committee for the meeting of June 19-20, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

ARVCO, INC.

Order Denying Application To Remain a Bank Holding Company and To Retain Shares of Bank

Arvco, Inc., Arvada, Colo., 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 remain a bank holding company through the retention of 53.065 percent of the voting shares of Arvada State Bank, Arvada, Colo.

Notice of receipt of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement[1] of this date. Applicant is directed to take appropriate measures to effect a divestiture of control of Arvada State Bank, Arvada, Colo. Applicant is further directed to report on the progress made toward said divestiture to the Federal Reserve Bank of

[1] 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 Atlanta.

Kansas City not later than 2 months from the effective date of this order.

By order of the Board of Governors,[3] effective September 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-16202 Filed 9-22-72;8:46 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., 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 Executive National Bank, Houston, Tex. (Bank), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1824(c)).

Applicant controls eight banks with aggregate deposits of about $1.5 billion, representing approximately 4.9 percent of the deposits in commercial banks in Texas.[1] Applicant presently operates four of these banks in the Houston market and controls about 19 percent of that area's deposits.[2] However, since Bank is a proposed new bank, its acquisition by Applicant would not initially add to the latter's control of banking resources in the Houston area, nor would any existing competition be eliminated. Moreover, given the nature of the Houston market, including the size of the market, its prospects for growth, and the number of banks in the market, significant future competition should not be adversely affected by consummation of the proposed acquisition. Two banks, neither of which is a member of a bank holding company, are located within Bank's proposed service area. The Board concludes that consummation of the transaction will not have a significantly adverse effect on competition.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are generally satisfactory and consistent with approval of the application. Bank has no financial or operating history. However, under Applicant's management Bank's prospects appear favorable. Considerations relating to the convenience and needs of the community to be served lend some weight to approval of the application, since the service area of Bank should benefit from an additional source of services. The Board finds that the proposed acquisition is in the public interest and should be approved.

On the basis of the record, 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 the effective date of this order, and (c) Executive National Bank, Houston, Tex., 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 Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-16203 Filed 9-22-72;8:46 am]

PROVIDENT NATIONAL CORP.

Order Approving Acquisition of John P. Maguire & Co., Inc.

Provident National Corp., Philadelphia, Pa., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of John P. Maguire & Co., Inc. (Maguire), New York, N.Y., a company that engages in the activities of factoring and related commercial financing, including conditional sales financing. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 13218). The time for filing comments and views has expired, and none have been timely received.

Applicant's subsidiary bank, Provident National Bank, Philadelphia, Pa. (Bank), has total deposits of $1.045 billion and is the fifth largest commercial bank in the city of Philadelphia, controlling 3.3 percent of deposits in that area.[1] Maguire was acquired by Bank on October 29, 1971, in a transaction approved by the Comptroller of the Currency and, accordingly, became an indirect subsidiary of Applicant pursuant to section 4(c)(5) of the Bank Holding Company Act. The proposed transaction would transfer direct ownership of Maguire from Bank to Applicant, which would change Maguire's operating authority from section 4(c)(5) to section 4(c)(8).

Under section 4(c)(5) Maguire is not authorized to conduct a full service factoring business at locations other than those at which Bank is authorized to engage in business, but rather is subject to the "loan production" restriction inherent in such authority (12 CFR 250.141). The Board believes that when a bank holding company indirectly acquires a nonbanking company through a subsidiary bank, pursuant to section 4(c)(5), and subsequently applies to the Board to acquire direct ownership of such nonbanking company and operate it pursuant to the broader authority of section 4(c)(8), the Board must consider the transaction as if the nonbanking company was being acquired initially from an independent third party. Accordingly, in such circumstances the Board must find that neither the original acquisition of the nonbanking company nor the Board's approval of the section 4(c)(8) application would result in an undue concentration of resources, decreased, or unfair competition, conflicts of interest, or unsound banking practices.

Maguire is primarily an old-line factoring company whose customers are predominantly in the garment and carpet industries. Maguire also makes loans to clients secured by accounts receivable and engages in conditional sales financing of equipment. Maguire has a factoring volume of approximately $625 million, derived primarily from the New England States, New York, North Carolina, and Oklahoma. On a national basis, Maguire ranks ninth of 29 factoring companies with 4.7 percent of total commercial factored volume.

Prior to the acquisition of Maguire by Bank, no subsidiary of Applicant had ever engaged in factoring. Bank or Applicant might have entered the factoring industry de novo; however, the level of risk in the industry and the need for highly specialized factoring skills made such entry unlikely. Although some loans made by Bank might be considered competitive with loans and advances made by Maguire, the majority of Maguire's accounts originate in areas where Bank has few or no customers and the loans Bank derives from those areas is small in proportion to its total loan portfolio. On the basis of the record the Board finds that the proposed acquisition of Maguire by Applicant would not have any significant adverse effect on either existing or potential competition in the factoring or commercial finance businesses.

There is no evidence in the record to indicate that the proposed acquisition of Maguire would lead to an undue concentration of resources, conflict of interest or unsound banking practices. Although it is unlikely that the transaction will produce any significant new benefits to the public, the Board noted that Maguire has been able to obtain funds more easily and at lower rates since its acquisition by Bank. Such gains

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

[1] Banking data are as of Dec. 31, 1971.

[2] The Houston market is approximated by the Houston Standard Metropolitan Statistical Area.

[3] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

[1] Deposit data are as of Dec. 31, 1971.

in efficiency are consistent with the public interest considerations the Board must consider under section 4(c)(8).

If this transaction is approved by the Board, Bank's ownership of Maguire's shares will be distributed to Applicant through a dividend in kind. Although this would have the effect of reducing Bank's equity capital significantly, the Board noted that subsequent to the filing of this application, Bank sold $21 million in capital notes in order, among other reasons, to replace the anticipated loss of capital funds represented by Bank's ownership of Maguire. Accordingly, the transaction will not cause Bank's overall capital position to fall below acceptable levels.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) are consistent with approval. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective September 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-16204 Filed 9-22-72;8:46 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corp., Miami, Fla., 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 80 percent or more of the voting shares of First Bank of Deltona, Deltona, Fla. (Deltona Bank).

Notice of receipt of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 15 banks with aggregate deposits of $1.17 billion, representing 7.21 percent of the total commercial bank deposits held by Florida banks, and is the second largest banking organization in the State. (All banking data are as of December 31, 1971, and reflect acquisitions and formations approved through August 31, 1972.) The acquisition of Deltona Bank ($10.6 million deposits) would increase applicant's share of State deposits by 0.07 percentage points, and would not significantly increase the concentration of banking resources on a local or statewide basis.

Deltona Bank holds 9.64 percent of the area deposits as the smallest of the five banks located in the West Volusia banking market in central Florida. Two of the competing banks are subsidiaries of Florida's second and third largest bank holding companies. It appears that consummation of the proposed affiliation would not adversely affect the other area banks.

Applicant's closest subsidiary banking office and Deltona Bank are 30 miles apart. No significant present competition exists between any of applicant's present banking offices and Deltona Bank. In view of the wide separation of the banks, the presence of numerous intervening banking offices, and Florida's restrictive branching laws, it also appears that no significant potential competition would be eliminated by applicant's proposed acquisition. Competitive considerations are, therefore, consistent with approval of the application.

Applicant has completed a financial review of its system and has formulated plans to increase the capital of its present subsidiaries and also Deltona Bank. Upon the completion of this improvement program, each of these banks will have adequate capital. In view of the proposed capital improvements, the financial condition of applicant and its group of banks is deemed to be generally satisfacory. The financial condition of Deltona Bank is also considered to be generally satisfactory in view of applicant's commitment to increase its capital. Applicant, its banks, and the proposed subsidiary have capable managements and their prospects appear favorable. Banking factors are consistent with approval of the application.

The major banking needs of the area are presently served by local banking offices. However, no trust services are presently available in the town of Deltona, and applicant's assistance in establishing a trust department at Deltona Bank will serve the convenience and need for such services in this retirement community. Applicant will also improve and expand the bank's services presently offered and enable it to compete on a more equal basis with the four larger area banks. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, 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 the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective September 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-16205 Filed 9-22-72;8:46 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

PRICE COMMISSION

[Notice 35]

COMMUNITY HEALTH SERVICE AGENCIES

Exception to Annual Aggregate Price Increase Limitation

The Price Commission has determined that the 2.5 percent annual aggregate price increase limitation of § 300.19 of the Commission's regulations achieves certain inequitable results when applied to the operating requirements of certain community health service organizations and is creating a severe financial hardship on those organizations. Community health service agencies, comprising visiting nurse associations and home health agencies, are generally nonprofit organizations subsidized in part by charitable contributions, which generally have been declining, and direct 50 percent or more of their services to Medicare, Medicaid and other intermediary pay patients. The Price Commission's 2.5 percent limitation on annual aggregate price increases applicable to these community agencies has not permitted rate adjustments to reflect low-wage adjustments and wage increases in the 5.5-percent range for these high labor intensive operations. As a result, many of these noninstitutional providers are operating at a loss or low revenue margin consistently below the target profit margins established in § 300.32 for low profit service organizations other than health providers.

Therefore, pursuant to § 300.127 of the Commission's regulations, the Price Commission hereby authorizes visiting nurse associations and home health agencies to increase aggregate prices on a weighted average basis, not exceeding 5.0 percent per year, to reflect increases in allowable costs incurred since the last price increase, or incurred after January 1, 1971, whichever was later, and which are continuing to be incurred, reduced to reflect productivity gains, and only to the extent that the increased prices do not—

(1) In the case of a nonprofit organization, result in an increase in net revenues (after deducting operating expenses and depreciation) as a percentage of total revenues, over that prevailing during the base period; and

(2) In the case of any other organization, result in an increase in its profit margin over that prevailing during the base period.

Issued in Washington, D.C., on September 21, 1972.

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

[FR Doc.72-16374 Filed 9-22-72;8:54 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

SEPTEMBER 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 17, 1972, through September 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-16229 Filed 9-22-72;8:48 am]

[812-3229]

BLYTH & CO., INC., AND PAINE, WEBBER, JACKSON & CURTIS, INC.

Notice of Filing of Application for Exemption

SEPTEMBER 18, 1972.

Notice is hereby given that Blyth & Co., Inc., 14 Wall Street, New York, NY 10005, and Paine, Webber, Jackson & Curtis, Inc. (Applicants), 140 Broadway, New York, NY 10005, proposed representatives of a group of underwriters to be formed in connection with a proposed initial public offering of shares of the common stock of INA Income and Convertible Fund (Fund), a registered closed-end investment company, have filed an application, pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicants from section 30(f) of the Act with respect to their transactions incidental to the distribution of Fund's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 30(f) of the Act provides, in part, that every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of which a registered closed-end company is the issuer, shall, in respect of his transactions in any securities of such company be subject to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 (Exchange Act) upon certain beneficial owners, directors, and officers in respect of their transactions in certain equity securities.

Section 16(a) of the Exchange Act requires insiders to file reports of their holdings and changes in their holdings and section 16(b) makes such insiders liable for short-term trading profits.

Shares of the Fund are to be purchased by the underwriters, pursuant to an Underwriting Agreement to be entered into by the underwriters represented by Applicants and the Fund.

In addition to purchases from the Fund and sales to customers, there may be the usual transactions of purchases or sales incident to a distribution such as stabilizing purchases, purchases to cover over allotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

The participants in the underwriting syndicate and the size of their participation have not yet been determined. It is possible, however, that the underwriting commitments of one or more of the underwriters, including the Applicants, will exceed 10 percent of the aggregate number of shares of the Fund's common stock outstanding after the purchase of several underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time, thereby causing such underwriters to become subject, by reason of section 30(f) of the Act, to the same duties and liabilities as those imposed by section 16 of the Exchange Act. As a result, such underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon any other purchases and sales in connection with the distribution as indicated below, subject to the liabilities imposed by section 16(b) of the Exchange Act.

It is represented that the purpose of the purchase of the shares of the Fund by the underwriters will be for resale in connection with the initial distribution of the shares and that, therefore, the purchases and sales will be transactions effected in connection with a distribution of a block of securities within the purpose and spirit of Rule 16b-2 under the Exchange Act which exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof.

However, Rule 16b-2(a)(3) under the Exchange Act requires that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b-2. Since the underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Fund, may be obligated to purchase more than 50 percent of the shares of the Fund being offered, it is possible that one or more of such underwriters, including Applicants, may therefore, not be exempted by the operation of Rule 16b-2 from the duties and liabilities imposed by section 16(b). Moreover, Rule 16b-2 will not exempt the underwriters subject to section 30(f) from the provisions of section 16(a).

Applicants state that there is no "insider information" in existence with respect to the Fund since the Fund, prior to the initial distribution of the shares, will have no assets (other than cash) or business of any sort, and all material information will be set forth in the prospectus incorporated in the registration statement.

Applicants submit that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further contend that the transaction sought to be exempted cannot be used for the offending practices which section 16 of the Exchange Act is intended to prevent.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 13, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing

upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-16217 Filed 9-22-72;8:47 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

SEPTEMBER 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Company, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 19, 1972, through September 28, 1972.

By the Commission.

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

[FR Doc.72-16230 Filed 9-22-72;8:48 am]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA GAS OF WEST VIRGINIA, INC.

[70-5240]

Notice of Request for Authorization of Surety Bond for Subsidiary Company

SEPTEMBER 18, 1972.

Notice is hereby given that the Columbia Gas System, Inc. (Columbia), a registered holding company, and its gas utility subsidiary, Columbia Gas of West Virginia, Inc. (Columbia of West Virginia), 20 Montchanin Road, Wilmington, DE 19807, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia requests authorization to act as surety on a bond, in the principal amount of $2 million, to the West Virginia Public Service Commission (PSC); the PSC having, by order of August 17, 1972, in its Case No. 7437, required that a bond in that amount be given it before Columbia of West Virginia might collect, subject to refund, certain increased interim rates.

Columbia, by letter of August 28, 1972, notified this Commission pursuant to the emergency provisions of Rule 45(b)(3) that it had executed such bond on August 23, 1972, and indicated it would file a declaration in regard thereto. Columbia will not charge Columbia of West Virginia interest or other fees in connection therewith; Columbia states that it executed the surety bond itself to effect subsantial savings through avoidance of a bond premium.

Any refund which may ultimately be required in conjunction with the increased rates, which are currently being collected, will be made by Columbia of West Virginia from its general corporate funds in the ordinary course of business.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction, except that the PSC must accept the bond for filing as a condition of its effectiveness.

The fees and expenses which will be incurred by Columbia and Columbia of West Virginia are estimated to be $1,150 and $1,450, respectively; these fees include certain services provided at cost by Columbia Gas System Service Corp., a wholly-owned subsidiary of Columbia.

Notice is further given that any interested person may, not later than October 6, 1972, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as 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 its 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.72-16216 Filed 9-22-72;8:47 am]

[File No. 500-1]

CRESCENT GENERAL CORP.

Order Suspending Trading

SEPTEMBER 15, 1972.

The common stock, $0.10 par value of Crescent General Corp. being traded on the Intermountain Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Crescent General Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 17, 1972, through September 26, 1972.

By the Commission.

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

[FR Doc.72-16231 Filed 9-22-72;8:48 am]

[File No. 2-13523; 22-2175]

EL PASO NATURAL GAS CO.

Notice of Application and Opportunity for Hearing

SEPTEMBER 14, 1972.

Notice is hereby given that El Paso Natural Gas Co. (the Company) has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of First National City Bank under three indentures of the Company, dated as of August 1, 1968 ("the 1968 Indenture"), as of June 1, 1970 ("1970 Indenture"), and as of June 1, 1972 ("1972 Indenture"), none of which has been qualified under the Act, and the trusteeship by First National City Bank under an indenture dated as of September 12, 1957 ("1957 Indenture"), which was heretofore qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as Trustee under the 1968, 1970, and 1972 Indentures and under the 1957 Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section

provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

The Company alleges that:

1. It has outstanding

(a) $29,494,100 principal amount of its 5¼ percent Convertible Debentures due September 1, 1977, under an indenture between the Company and City Bank Farmers Trust Co. (which was converted into a national banking association named First National City Trust Co.), Trustee ("1957 Indenture"). The 1957 Indenture has been qualified under the Act;

(b) $20,200,000 principal amount of its 5⅛ percent Sinking Fund Debentures due November 1, 1975, under an indenture dated as of May 1, 1958, between the Company and First National City Bank, Trustee ("1958 Indenture"). The 1958 Indenture has not been qualified under the Act;

(c) $22,175,000 principal amount of its 5⅜ percent Sinking Fund Debentures due May 1, 1979, under an indenture dated as of May 1, 1959, between the Company and First National City Bank, Trustee ("1959 Indenture"). The 1959 Indenture has not been qualified under the Act;

(d) $34 million principal amount of its 5¼ percent Sinking Fund Debentures due April 1, 1984, under an indenture dated as of April 1, 1964, between the Company and First National City Bank, Trustee ("1964 Indenture"). The 1964 Indenture has not been qualified under the Act;

(e) $71 million principal amount of its 7¾ percent Sinking Fund Debentures due August 1, 1988, under an indenture dated as of August 1, 1968, between the Company and First National City Bank, Trustee ("1968 Indenture"). The 1968 Indenture has not been qualified under the Act;

(f) $74,500,000 principal amount of its 10¼ percent Sinking Fund Debentures due June 1, 1990, under an indenture dated as of June 1, 1970, between the Company and First National City Bank, Trustee ("1970 Indenture"). The 1970 Indenture has not been qualified under the Act; and

(g) $95 million principal amount of its 8¼ percent Sinking Fund Debentures due June 1, 1992, under an indenture dated as of June 1, 1972, between the Company and First National City Bank, Trustee ("1972 Indenture"). The 1972 Indenture has not been qualified under the Act.

2. At the close of business on January 15, 1963, First National City Trust Co. was merged with First National City Bank. By virtue of said merger First National City Bank became successor Trustee under the 1957 Indenture.

3. Pursuant to the Company's application ("1963 Application") therefor, the Commission issued its order, dated April 8, 1963, granting said 1963 Application and finding that the trusteeship of First National City Bank under the 1957 Indenture and the 1958 and 1959 Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Bank from acting as trustee under any of said Indentures.

4. The Company has issued an outstanding $34 million principal amount of its 5¼ percent Sinking Fund Debentures due April 1, 1984, under an Indenture date as of April 1, 1964 (the "1964 Indenture") between the Company and First National City Bank, Trustee. The 1964 Indenture was not qualified under the Trust Indenture Act of 1939. Pursuant to the Company's application ("1964 Application"), the Commission issued its Order, dated May 11, 1964, granting said 1964 Application and finding that the trusteeship of First National City Bank under the 1957 Indenture and under the 1964 Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Bank from acting as trustee thereunder. Since the issuance of said order, First National City Bank has continued to act as Trustee under the 1957, 1958, 1959, and 1964 Indentures.

5. The 1957, 1958, 1959, 1964, 1968, 1970, and 1972 Indentures are wholly unsecured.

6. The differences in the provisions of the 1957 Indenture and the 1968, 1970, and 1972 Indentures are unlikely to cause any conflict of interest between the respective trusteeships of First National City Bank under the said Indentures.

7. The Company waives notice of hearing, and waives hearing, in connection with the matter.

8. All securities issued under the Indentures of the Company referred to above will rank equally.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, DC 20549.

Notice is further given that any interested person may, not later than October 10, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-16225 Filed 9-22-72;8:48 am]

[811-1937]

FIRST CHICAGO GROWTH FUND

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 19, 1972.

Notice is hereby given that First Chicago Growth Fund (Applicant), 1 First National Plaza, Chicago, Ill. 60670, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, summarized below.

On September 4, 1969, Applicant filed a notification of registration on Form N-8A pursuant to section 8(a) of the Act. On January 6, 1970, Applicant filed a registration statement on Form N-8B-1 pursuant to section 8(b) of the Act and a registration statement on Form S-5 pursuant to the Securities Act of 1933 (1933 Act). Applicant's 1933 Act registration never became effective.[1]

On April 5, 1971, the Supreme Court of the United States announced its decision in certain litigation and held that the operation of a commingled account, as contemplated by Applicant, would be illegal under certain provisions of the Federal banking laws. By resolution adopted on May 25, 1971, Applicant's board terminated Applicant.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 16, 1972, at 5:30 p.m., submit to

[1] The Commission's files disclose the registration statement was ordered withdrawn on June 30, 1971.

the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–16266, Filed 9–22–72;8:51 am]

[File No. 500–1]

FIRST WORLD CORP.

Order Suspending Trading

SEPTEMBER 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 17, 1972, through September 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–16232 Filed 9–22–72;8:48 am]

[812–3117]

HALSEY, STUART & CO., INC., AND PAINE, WEBBER, JACKSON & CURTIS, INC.

Notice of Filing of Application

SEPTEMBER 15, 1972.

In the matter of Halsey, Stuart & Co., Inc., 123 South La Salle Street, Post Office Box 759, Chicago, IL 60690, and Paine, Webber, Jackson & Curtis, Inc., 140 Broadway, New York, NY 10005.

Notice is hereby given that Paine, Webber, Jackson & Curtis, Inc., and Halsey, Stuart & Co., Inc. (Applicants), prospective representatives of a group of underwriters of a proposed offering of shares of Lincoln National Direct Placement Fund, Inc. (Fund), a registered closed-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants and their counderwriters from section 30(f) of the Act in respect of their transactions incidental to the distribution of the Fund's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of the Fund are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between the Fund and the underwriters represented by Applicants. It is intended that upon the effective date of the Fund's registration statement under the Securities Act of 1933, the Fund's shares will be sold to the public.

It is quite possible that Applicants and one or more other members of the underwriting group may each acquire, in accordance with the provisions of the underwriting agreement, more than 10 percent of the Fund's common stock which will be outstanding at the time of the closing of the initial public offering of the shares.

Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Fund to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 ("Exchange Act") such underwriter or underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Exchange Act. Applicants state that the purpose of the purchase by Applicants and the other underwriters is for resale in connection with the initial distribution of shares of the Fund. The purchases and sales will thus be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

It is possible, however, that Applicants and certain of its counderwriters will not be exempted from section 16(b) by the operation of Rule 16b–2, as they may fail to meet the requirement stated in paragraph (a) (3) of Rule 16b–2 that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b–2. It is possible that one or more of the underwriters who, pursuant to the underwriting agreement, will purchase more than 10 percent of the shares of the Fund, may be obligated to purchase more than 50 percent of such shares being offered pursuant to the underwriting agreement.

In addition to purchases from the Fund and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover over-allotments and sales of shares purchased in stabilization.

Applicants state that although an officer of one of the Applicants is a director of the Fund, there is no possibility of using inside information in existence, since the Fund, prior to the initial distribution, will have virtually no assets or business of any sort.

Applicants thus submit that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 9, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the

point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72–16224 Filed 9–22–72;8:48 am]

[812–3207]

INVESTORS MUTUAL, INC., ET AL.

Notice of Application for an Order Exempting Applicants

SEPTEMBER 18, 1972.

Notice is hereby given that Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., IDS New Dimension Fund, Inc., IDS Progressive Fund, Inc., and IDS Growth Fund, Inc. (Funds), all of which are open-end investment companies registered under the Investment Company Act of 1940 (Act), and Investors Diversified Services, Inc. (IDS), Funds' principal underwriter (hereinafter collectively called "Applicants"), 800 Investors Building, Minneapolis, Minn. 55402, have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants propose to offer to persons who redeem shares of any of the Funds a one-time privilege to reinstate their account by repurchasing shares at net asset value without a sales charge in the shares of the Fund redeemed. Notice of this proposed privilege will be given in writing probably by a statement inserted along with the redemption check forwarded to the shareholder. The prospectus of each of the Funds will also discuss the reinstatement privilege. To be effective, a written order from such eligible persons of the exercise of the privilege must be received or postmarked within 15 days after the date the request for redemption was received. The reinstatement will be made at the net asset value per share next determined after the receipt of the order.

Applicants assert that the proposed privilege permits no opportunities for abuse since once the eligible person has exercised his privilege in any of the Funds, the privilege will not thereafter be available to him upon redemption of his shares in that or any of the other Funds. Moreover, Applicant states that the time period in which a shareholder will have possession of any redemption moneys, if the reinstatement privilege is to be exercised, will be limited in that several days will be required for mailing purposes.

Applicants state that no compensation of any kind will be paid to any dealer or salesman in connection with the purchase of shares pursuant to exercise of the privilege. Applicants contend that the proposed privilege is to permit a shareholder who has made a hasty or uninformed decision an opportunity to reinstate his investment without paying a sales charge.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 13, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located over 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72–16218 Filed 9–22–72;8:47 am]

[812–3157]

JOHN HANCOCK MUTUAL LIFE INSURANCE CO. AND JOHN HANCOCK VARIABLE ACCOUNT A

Notice of Application for Exemption

SEPTEMBER 18, 1972.

Notice is hereby given that John Hancock Mutual Life Insurance Co. (John Hancock) and John Hancock Variable Account A (Account A) (herein collectively called "Applicants") Hancock Place, Boston, Mass. 02117, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of exemption, to the extent noted below, from the provisions of section 22(d) of the Act. John Hancock established Account A pursuant to section 132G of Chapter 175 of the Massachusetts General Laws, as amended, to afford a medium for equity investments for variable annuity contracts issued by John Hancock in connection with certain tax qualified pension, profit-sharing and annuity purchase plans. Account A is an open-end diversified investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Variable annuity contracts offered for sale by John Hancock in connection with tax qualified plans may be either Single Payment Immediate or Deferred Contracts (Contracts) of Periodic Payment Deferred Contracts. Under the Contracts, John Hancock makes deductions from purchase payments for sales and administrative expenses based on the amount of the purchase payment and, in the case of Deferred Contracts, a charge for the minimum death benefit. The maximum deduction from the purchase payment for sales expenses is 5 percent under the Contracts. The administrative expense deduction is $75 plus a maximum of 2 percent of the purchase payment. The deduction under the Single Payment Deferred Contract for the minimum death benefit is 0.5 percent of the purchase payment. The minimum payment for purchase of a Contract is $5,000.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus. This section has been construed to prohibit variations in the sales load except on a uniform basis.

Exemption is requested from the requirements of section 22(d) of the Act to enable John Hancock to permit holders of fixed-dollar insurance policies and annuity contracts (herein called "fixed

dollar policies") issued by John Hancock in connection with tax-qualified plans to apply amounts payable under such fixed-dollar policies (in the form of maturity benefits, cash surrender values, sums due under optional methods of settlement and the like) to the purchase of the Contracts without any deductions from the purchase payment represented by such proceeds for sales expenses or for the fixed $75 administrative expense charge. The minimum payment for the purchase of a Single Payment Deferred Contract through the application of fixed-dollar policy proceeds is to be $500.

Applicants assert that purchasers of the Contracts applying the insurance and annuity proceeds of fixed-dollar policies issued in connection with John Hancock's conventional life insurance business will have already incurred a charge for sales expenses larger than the sales expense deductions applicable to payments under the Contracts. In further support of the requested exemption, Applicants state that the grant of the requested exemption will not disrupt the orderly distribution of redeemable securities since channels conventionally used in the distribution of such securities are not generally available for the distribution of the Contracts. Moreover, it is asserted by the Applicants, that because of the characteristics of the Contracts, it is not possible for a secondary market to develop.

Section 6(c) authorizes the Commission conditionally or unconditionally to exempt any person, security or transaction or any class or classes of persons, securities or transactions from the provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 10, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–16219 Filed 9–22–72;8:47 am]

[File No. 500–1]

LDS DENTAL SUPPLIES, INC.

Order Suspending Trading

SEPTEMBER 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of LDS Dental Supplies, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 18, 1972 through September 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–16233 Filed 9–22–72;8:48 am]

[811–2262]

MANEQUITY GROWTH FUND

Notice of Filing of Application for Order Declaring that Company has Ceased To Be an Investment Company

SEPTEMBER 18, 1972.

Notice is hereby given that ManEquity Growth Fund (ManEquity), a Delaware corporation, 280 Columbine Street, Denver, CO 80206, registered under the Investment Company Act of 1940 (Act) as a diversified open-end investment company, has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be a registered investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

ManEquity filed a notification of registration on Form N–8A under the Act on January 13, 1972, and simultaneously therewith filed a registration statement on Form S–5 (File No. 2–42842) under the Securities Act of 1933 for the offer and sale of 10 million shares of stock. Subsequently it filed a request with the Commission for the withdrawal of the latter statement. (The Commission by order dated August 15, 1972, permitted said registration statement to be withdrawn.) The request for withdrawal was made because ManEquity does not presently intend to make a public offering.

The application states that ManEquity's only shareholder is Manufacturers Life Insurance Co.; that there are no public shareholders and that ManEquity's assets consist of cash and a U.S. Treasury bill.

Section 3(b)(3) excepts from the definition of investment company any issuer all the outstanding securities of which are owned by a company excepted from the definition of investment company by section 3(b)(1).

Section 3(b)(1) excepts from the definition of investment company any issuer primarily engaged, directly or through wholly owned subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

Section 8(f) of the Act provides that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 13, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon ManEquity at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–16220 Filed 9–22–72;8:47 am]

[70-5232]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

SEPTEMBER 15, 1972.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell for cash, subject to the competitive bidding requirements of Rule 50, $53 million principal amount of unsecured debentures to be dated October 1, 1972, and to mature October 1, 1997. The interest rate to be borne by the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, plus accrued interest from October 1, 1972 to date of delivery, to be paid to Met-Ed (which shall be not less than 100 percent and not more than 102¾ percent of the principal amount of the debentures) will be determined by competitive bidding. The debentures will be issued under an indenture dated as of June 1, 1965, between Met-Ed and the Marine Midland Trust Co. of New York (now Marine Midland Bank—New York), Trustee, as supplemented by a First Supplemental Indenture, dated October 1, 1967, and a proposed Second Supplemental Indenture to be dated as of October 1, 1972, which includes a prohibition until October 1, 1977, against refunding the issue with or in anticipation of proceeds from borrowings at a lower effective interest cost. The proceeds from the sale of the debentures will be used to pay Met-Ed's short-term bank loans, $50 million of which are expected to be outstanding at the date of sale of such securities, and for purposes of Met-Ed's 1972 construction program or to reimburse Met-Ed's treasury for expenditures therefrom for such construction program. Any premium realized from the sale of the debentures will be used for financing the business of Met-Ed, including the payment of the expenses of this financing. The 1972 construction program is estimated to cost $148,500,000 part of which is to be financed by the sale of the debentures, by funds generated internally and by capital contributions from GPU aggregating $8,500,000.

The fees and expenses of the proposed issue and sale of the debentures are estimated at $115,000, and include legal fees of $30,000 and accounting fees of $7,600. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Pennsylvania Public Utilities Commission has jurisdiction over the proposed issue and sale of the debentures. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 6, 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 application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. 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 applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted 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.72-16223 Filed 9-22-72;8:48 am]

[812-3217]

NELSON FUND, INC.

Notice of Filing of Application

SEPTEMBER 18, 1972.

Notice is hereby given that Nelson Fund, Inc. (Applicant), 345 Park Avenue, New York, NY 10022, an open-end, nondiversified management company registered under the Investment Company Act of 1940 (Act) has filed an application for an order pursuant to section 6(c) of the Act declaring that Mr. Roy L. Reierson shall not be deemed an interested person of Applicant as that term is defined under section 2(a)(19) of the Act solely by reason of his status as a Director of The Guardian Life Insurance Co. of America (Guardian). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. Reierson, a director of Applicant, is a director of Guardian, a life insurance company which has a wholly owned subsidiary, Glicoa Associates, Inc. (Glicoa), which is registered as a broker-dealer under the Securities Exchange Act of 1934.

Applicant states that Mr. Reierson is not a director or officer of Glicoa and has no direct dealings with it. The majority of Glioca's business involves the distribution and sale of shares of investment companies. Applicant is a no-load investment company the shares of which are not distributed or sold through Glicoa. Only a small fraction of Glicoa's business involves transactions in the over-the-counter market, none of which have ever involved Applicant, Applicant's investment adviser, or Mr. Reierson. In addition, since Glicoa is not a member of any securities exchange and not a principal market-maker in the securities of any issuer, and since Applicant's stated policy is to effect portfolio transactions with exchange members or principal market-makers absent unusual circumstances, Applicant will not effect transactions through Glicoa in the future and has undertaken not to do so.

Section 2(a)(19) of the Act, in pertinent part, defines an interested person of an investment company as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director or employee of such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that Mr. Reierson should not be deemed an "interested person" of Applicant because his affiliation with Guardian does not and will not impair his independence in acting on behalf of Applicant and its stockholders, and the requested exemption is therefore consistent with the provisions of section 6(c).

Notice is further given that any interested person may, not later than October 10, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date,

as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for hearing upon such application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–16221 Filed 9–22–72;8:47 am]

[811–1498; 811–1610]

PITTSBURGH COKE & CHEMICAL CO. AND NEVILLE ISLAND CO.

Filing of Application for Order Declaring that Registered Investment Companies Have Ceased To Be Investment Companies

SEPTEMBER 18, 1972.

In the matter of Pittsburgh Coke & Chemical Co., 603 Goldsborough Building, Wilmington, Del. 19801, and The Neville Island Co., 603 Goldsborough Building, Wilmington, Del. 19801.

Notice is hereby given that The Hillman Co. (Hillman), a Pennsylvania corporation, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 (Act) on behalf of Pittsburgh Coke & Chemical Co. (Pittsburgh Coke) and the Neville Island Co. (Neville) each a registered closed end, nondiversified investment company. The application requests an order of the Commission declaring that Pittsburgh Coke and Neville have ceased to be investment companies as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Pittsburgh Coke registered as a closed end, nondiversified investment company under the Act on May 2, 1967.

The application states that on June 30, 1972, Wilmington Securities, Inc. (Wilmington), the then owner of 715,004 shares (approximately 96 percent) of the 742,893 issued and outstanding shares of common stock of Pittsburgh Coke, merged Pittsburgh Coke into Wilmington by action of Wilmington's board of directors under section 253 of the General Corporation Law of the State of Delaware. The application also states that as a result of such merger Wilmington assumed all the liabilities and acquired all of the assets of Pittsburgh Coke; that the corporate existence of Pittsburgh Coke ceased; and that the common stock of Pittsburgh Coke was cancelled and the stockholders of Pittsburgh Coke, other than Wilmington, became entitled to receive payment of $151.90 in cash for each of their respective shares of Pittsburgh Coke common stock upon surrender of such shares to Wilmington. The application states that on June 30, 1972, Wilmington Trust Company (Trust Company), as agent for Wilmington, mailed a notice to the common stockholders of Pittsburgh Coke informing them of their rights to receive such payment and of the instructions to be followed in surrendering such shares to Trust Company, as agent, for payment. In addition, the application states that on July 3, 1972, Wilmington deposited $4,236,339.10 with Trust Company to be held by Trust Company in trust in a special account for the sole benefit of, and to be paid solely to, the respective common stockholders of Pittsburgh Coke (other than Wilmington) upon surrender of their shares. The application shows that at August 31, 1972, 24,079 shares of Pittsburgh Coke common stock had been surrendered for payment and that a total of 3,810 such shares had not been so surrendered.

Neville registered as a closed end, nondiversified investment company under the Act on May 23, 1968.

The application states that until consummation of the merger of Pittsburgh Coke into Wilmington, all of the outstanding capital stock of Neville was owned by Pittsburgh Coke, and that Wilmington acquired all of the issued and outstanding capital stock of Neville as a result of the merger of Pittsburgh Coke into Wilmington.

The application also states that all of the outstanding securities of Neville are owned by Wilmington; and that all of the outstanding securities of Wilmington are owned by Hillman; and that all of the outstanding securities of Hillman are held beneficially by less than 25 persons. The application also states that no public offering of the securities of Hillman, Wilmington, or Neville is currently being made and that there are no plans to make a public offering of any securities of such companies.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities. This section also provides, that for the purpose of this exception, "beneficial ownership by a company shall be deemed to be beneficial ownership of one person; except that, if such company owns 10 percentum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper)."

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease.

Notice is further given that any interested person may, not later than October 13, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Pittsburgh Coke and Neville at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–16222 Filed 9–22–72;8:48 am]

[File No. 500–1]

TOPPER CORP.

Order Suspending Trading

SEPTEMBER 15, 1972.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily

suspended, this order to be effective for the period September 16, 1972, through September 25, 1972.

By the Commission.

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

[FR Doc.72-16234 Filed 9-22-72;8:49 am]

[File No. 500-1]

TRANS-EAST AIR, INC.

Order Suspending Trading

SEPTEMBER 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.50 par value, and all other securites of Trans-East Air, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 17, 1972, through September 26, 1972.

By the Commission.

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

[FR Doc.72-16235 Filed 9-22-72;8:49 am]

[812-3216]

WELLINGTON FUND, INC. ET AL.

Notice of Application

SEPTEMBER 18, 1972.

In the matter of Wellington Fund, Inc., Windsor Fund, Inc., Ivest Fund, Inc., Wellesley Income Fund, W. L. Morgan Growth Fund, Explorer Fund., Inc., Trustees' Equity Fund, Inc., Technivest Fund, Wellington Management Co., 1630 Locust Street, Philadelphia, PA 19103.

Notice is hereby given that Wellington Fund, Inc., Windsor Fund, Inc., Ivest Fund, Inc., Wellesley Income Fund, W. L. Morgan Growth Fund, Explorer Fund, Inc., Trustees' Equity Fund, Inc., and Technivest Fund (collectively the Funds), all of which are open-end diversified management investment companies registered under the Investment Company Act of 1940 (Act), and Wellington Management Co. (WMC), the principal underwriter for each of the Funds, (hereinafter collectively called Applicants) have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants propose to offer to persons who redeem shares of any of the Funds with the exception of those of Technivest Fund a one-time privilege to (1) reinstate their accounts by repurchasing shares at net asset value without a sales charge up to the amount redeemed, or (2) purchase, under the exchange privilege available generally to shareholders of the Funds, shares of any other of the Funds at net asset value without a sales charge up to the amount redeemed. It is contemplated that notice of this proposed privilege will be given to eligible persons in writing or by telephone as part of the processing of their redemption request. To be effective, notice from such eligible persons of the exercise of the privilege must be received or postmarked within 15 days after the redemption request is received. The reinstatement or exchange will be made at net asset value next determined after the notice of the exercise of the privilege is received. Persons redeeming shares of Technivest Fund will be permitted a one-time privilege to purchase shares of any other of the Funds at net asset value without a sales charge up to the amount redeemed through the exercise of the exchange privilege which is available to shareholders of Technivest. Such persons will not have the privilege of reinstating their accounts by repurchasing Technivest shares nor will redeeming shareholders of any of the other Funds be permitted to purchase Technivest shares through the exercise of the exchange privilege. Technivest does not presently offer its shares for sale to the public.

Applicants state that in order to minimize the possibility of shareholder abuse, through speculation on a possible short-term decline in the net asset value of a Fund's shares, the reinvestment privilege will be offered on a one-time basis and must be exercised within a relatively short period of time specified.

Applicants state that no sales commission will be received by WMC or sales representatives on such purchases. All costs involved will be borne by WMC, except that a $5 service fee payable by all shareholders exercising the exchange privilege will be charged.

Applicants submit that, in a number of cases, shareholders have mistakenly redeemed their Fund shares because they either misunderstood, were unaware of, or overlooked certain opportunities available to them as shareholders.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 11, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-16226 Filed 9-22-72;8:48 am]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket Nos. E72-170/E73-233]

ATTORNEY GENERAL'S LIST OF ORGANIZATIONS

Notice of Hearings

Correction

In F.R. Doc. 72-15250 appearing at page 18244 of the issue for Friday, September 8, 1972, Dockets Nos. E72-170 through E72-201 were inadvertently omitted. They should read as set forth below:

[Docket No. E72-170]

In regard Mario Morgantini Circle; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Mario Morgantini Circle has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was 304 East 116th Street, New York, N.Y.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Mario Morgantini Circle has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Mario Morgantini Circle, at the following last known address: 304 East 116th Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-171]

In regard National Committee for Freedom of the Press; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the National Committee for Freedom of the Press has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about November 4, 1958. There is no record of any known activity since that date.

The last known address of the above-named organization was 823 Broadway, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the National Committee for Freedom of the Press has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on Proceedings Under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed, this 1st day of June 1972 to the National Committee for Freedom of the Press, at the following last known address: 823 Broadway, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-172]

In regard National Negro Labor Council, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the National Negro Labor Council has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about April 29, 1956. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o Mr. Coleman Young, 1627 Collingwood, Apartment 1-A, Detroit, MI.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the National Negro Labor Council has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the National Negro Labor Council, at the following last know address: c/o Mr. Coleman Young, 1627 Collingwood, Apartment 1-A, Detroit, MI.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-173]

In regard Nationalist Action League; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Nationalist Action League has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was 876 Granite Street, Philadelphia 24, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Nationalist Action League has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Nationalist Action League, at the following last known address: 876 Granite Street, Philadelphia 24, PA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E 72-174]

In regard Negro Labor Victory Committee; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Negro Labor Victory Committee has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about March 1946. There is no record of any known activity since that date.

The last known address of the above-named organization was 308 Lenox Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Negro Labor Victory Committee has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Negro Labor Victory Committee, at the following last known address: 308 Lenox Avenue, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-175]

In regard New Committee for Publications; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the New Committee for Publications has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1948. There is no record of any known activity since that date.

The last known address of the above-named organization was Post Office Box 77, Gracie Station, New York 28, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the New Committee for Publications has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least ten days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the New Committee for Publications, at the following last known address: Post Office Box 77, Gracie Station, New York 28, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–176]

In regard Nichibei Kogyo Kaisha (The Great Fujii Theater), petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Nichibei Kogyo Kaisha has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Nichibei Kogyo Kaisha has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–177]

In regard North American Committee to Aid Spanish Democracy (AKA: Spanish Refugee Relief Campaign); petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the North American Committee to Aid Spanish Democracy has caused to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about September 1941. There is no record of any known activity since that date.

The last known address of the above-named organization was 200 Fifth Avenue, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the North American Committee to Aid Spanish Democracy has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least ten days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the North American Committee to Aid Spanish Democracy, at the following last known address: 200 Fifth Avenue, New York City, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–178]

In regard North American Spanish Aid Committee; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the North American Spanish Aid Committee has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was 200 Fifth Avenue, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with Section 12(i) of Executive Order 10450, as amended, that the North American Spanish Aid Committee has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the North American Spanish Aid Committee, at the following last known address: 200 Fifth Avenue, New York City, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–179]

In regard North Philadelphia Forum; Petition for a determination pursuant to Section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the North Philadelphia Forum has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about March 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o Miss Thelma Dale, 319 West 13th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the North Philadelphia Forum has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the North Philadelphia Forum, at the following last known address: c/o Miss Thelma Dale, 319 West 13th Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–180]

In regard Northwest Japanese Association; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Northwest Japanese Association has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Northwest Japanese Association has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–181]

In regard Ohio School of Social Sciences; petition for a determination pursuant to

section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Ohio School of Social Sciences has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about July 1946. There is no record of any known activity since that date.

The last known address of the above named organization was 1735 Euclid Avenue, Cleveland, OH.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Ohio School of Social Sciences has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Ohio School of Social Sciences, at the following last known address: 1735 Euclid Avenue, Cleveland, OH.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-182]

In regard Oklahoma Committee to Defend Political Prisoners; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Oklahoma Committee to Defend Political Prisoners has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1943. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o International Labor Defense, 112 East 19th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Oklahoma Committee to Defend Political Prisoners has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Oklahoma Committee to Defend Political Prisoners, at the following last known address: c/o International Labor Defense, 112 East 19th Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E 72-183]

In regard Oklahoma League for Political Education; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Oklahoma League for Political Education has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about October 7, 1945. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Oklahoma League for Political Education has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-184]

In regard Pacific Northwest Labor School, Seattle, Wash. (formerly known as the Seattle Labor School, Seattle, Wash.); petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to Section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Pacific Northwest Labor School, Seattle, Wash., has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1949. There is no record of any known activity since that date.

The last known address of the above-named organization was 309 Second Avenue North, Seattle, WA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Pacific Northwest Labor School, Seattle, Wash., has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Pacific Northwest Labor School, Seattle, Wash., at the following last known address: 309 Second Avenue, North, Seattle, WA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-185]

In regard Palo Alto Peace Club; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Palo Alto Peace Club has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1959. There is no record of any known activity since that date.

The last known address of the above-named organization was 3891 La Donna Avenue, Palo Alto, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Palo Alto Peace Club has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Palo Alto Peace Club, at the following last known address: 3891 La Donna Avenue, Palo Alto, Calif.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-186]

In regard Peace Information Center; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Peace Information Center has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 413, 799 Broadway, New York, N.Y.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450,

as amended, that the Peace Information Center has ceased to exist on or about the above date.

In the absence of a specific requests from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Peace Information Center, at the following last known address: Room 413, 799 Broadway, New York, N.Y.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–187]

In regard Peace Movement of Ethiopia, also known as: Ethiopian Peace Movement; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Peace Movement of Ethiopia has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about February 29, 1944. There is no record of any known activity since that date.

The last known address of the above-named organization was 4453 South State Street, Chicago, IL.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Peace Movement of Ethiopia has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Peace Movement of Ethiopia, at the following last known address: 4453 South State Street, Chicago, IL.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–188]

In regard People's Drama, Inc.; petition for a determination pursuant to section 12 (i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the People's Drama, Inc. has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about July 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was 212 Eldridge Street, New York, N.Y.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Excutive Order 10450, as amended, that the People's Drama, Inc. has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the People's Drama, Inc., at the following last known address: 212 Eldridge Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E 72–189]

In regard People's Educational and Press Association of Texas; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the People's Educational and Press Association of Texas has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about April 1946. There is no record of any known activity since that date.

The last known address of the above-named organization was Post Office Box 4085, Houston 14, TX.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the People's Educational and Press Association of Texas has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the People's Educational and Press Association of Texas, at the following last known address: Post Office Box 4085, Houston 14, TX.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–190]

In regard People's Educational Association (incorporated under name Los Angeles Educational Association, Inc.), AKA: People's Educational Center, People's University, People's School; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the People's Educational Association has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about April 8, 1948. There is no record of any known activity since that date.

The last known address of the above-named organization was 1717 North Vine Street, Hollywood, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the People's Educational Association has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the People's Educational Association, at the following last known address: 1717 North Vine Street, Hollywood, CA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–191]

In regard People's Institute of Applied Religion; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the People's Institute of Applied Religion has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about March 1956. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o Rev. Claude

Clossie Williams, Route 1, Box 268, Helena, Ala.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the People's Institute of Applied Religion has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the People's Institute of Applied Religion, at the following last known address: % Reverend Claude Clossie Williams, Route 1, Box 268, Helena, AL.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-192]

In regard Peoples Programs (Seattle, Wash.); petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Peoples Programs (Seattle, Wash.) has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about April 1955. There is no record of any known activity since that date.

The last known address of the above-named organization was Post Office Box 581, Seattle, WA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Peoples Programs (Seattle, Wash.) has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Peoples Programs (Seattle, Washington), at the following last known address: Post Office Box 581, Seattle, WA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-193]

In regard People's Radio Foundation, Inc.; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the People's Radio Foundation, Inc. has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about October 31, 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was Hotel Albert, 65 University Place, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the People's Radio Foundation, Inc. has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the People's Radio Foundation, Inc., at the following last known address: Hotel Albert, 65 University Place, New York City, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-194]

In regard People's Rights Party; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the People's Rights Party has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1960. There is no record of any known activity since that date.

The last known address of the above-named organization was 504 West 105th Street, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the People's Rights Party has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the People's Rights Party, at the following last known address: 504 West 105th Street, New York City, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-195]

In regard Philadelphia Labor Committee for Negro Rights; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Philadelphia Labor Committee for Negro Rights has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was Cartier's Hall, 1811 West Columbia Avenue, Philadelphia, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Philadelphia Labor Committee for Negro Rights has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Philadelphia Labor Committee for Negro Rights, at the following last known address: Cartier's Hall, 1811 West Columbia Avenue, Philadelphia, PA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-196]

In regard Philadelphia School of Social Science and Art; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Philadelphia School of Social Science and Art has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about April 1948. There

is no record of any known activity since that date.

The last known address of the above-named organization was Room 801, 1831 Chestnut Street, Philadelphia, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Philadelphia School of Social Science and Art has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Philadelphia School of Social Science and Art, at the following last known address: Room 801, 1831 Chestnut Street, Philadelphia, PA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–197]

In regard Photo League (New York City); petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Photo League (New York City) has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about April 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was 23 East 10th Street, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Photo League (New York City) has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the attorney general.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Photo League (New York City), at the following last known address: 23 East 10th Street, New York City, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–198]

In regard Pittsburgh Arts Club; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Pittsburgh Arts Club has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 5, 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 212 Forbes Building, Pittsburgh 13, Pa.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Pittsburgh Arts Club has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Pittsburgh Arts Club at the following last known address: 212 Forbes Building, Pittsburgh 13, Pa.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–199]

In regard Political Prisoners' Welfare Committee; petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Political Prisoners' Welfare Committee has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about July 2, 1957. There is no record of any known activity since that date.

The last known address of the above-named organization was Park Manor, 607 South Western Avenue, Los Angeles, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Political Prisoners' Welfare Committee has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least ten days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Political Prisoners' Welfare Committee, at the following last known address: Park Manor, 607 South Western Avenue, Los Angeles, CA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–200]

In regard Polonia Society of the IWO; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Polonia Society of the IWO has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 Fifth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with Section 12(i) of Executive Order 10450, as amended, that the Polonia Society of the IWO has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Polonia Society of the IWO, at the following last known address: 80 Fifth Avenue, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–201]

In regard Seattle Labor School, Seattle, Wash.; petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Seattle Labor School, Seattle, Wash. has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1949. There is no record of any known activity since that date.

The last known address of the above-named organization was 309 Second Avenue, North, Seattle, WA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Seattle Labor School, Seattle, Wash. has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the Regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 1st day of June 1972 to the Seattle Labor School, Seattle, Wash., at the following last known address: 309 Second Avenue, North, Seattle, WA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

DEPARTMENT OF LABOR

Employment Standards Administration

EXTENSION OF EXPIRATION DATES OF DAVIS-BACON AREA WAGE DETERMINATIONS

Notice of Variation From Certain Labor Standards

Whereas a number of general or area wage determinations of the Secretary of Labor issued under the Davis-Bacon Act and the provisions of other Federal statutes containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act will soon expire; and whereas the burdensome process of republication of these determinations would not be in the public interest because all appropriate changes in such wage determinations have regularly been incorporated into the determinations by modifications published in the FEDERAL REGISTER, I find that the variation from the provisions of 29 CFR 5.4 set forth below is necessary in order to avoid serious impairment in the conduct of Government business. I also find that notice, public procedure, and delay in the effective date of this document extending the life of wage determinations would be contrary to the public interest within the meaning of 5 U.S.C. 553.

Accordingly, notice is hereby given that pursuant to the provisions of 29 CFR 5.13 the expiration date of each outstanding general or area wage determination of the Secretary of Labor issued under the Davis-Bacon Act and the related statutes, as modified, is extended for a period of 120 days from the date on which it would have expired: *Provided, however,* That during this period of extension such area wage determinations will continue to be modified as appropriate.

Signed at Washington, D.C., this 20th day of September 1972.

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

[FR Doc.72-16279 Filed 9-22-72;8:54 am]

INTERSTATE COMMERCE COMMISSION

[Notice 82]

ASSIGNMENT OF HEARINGS

SEPTEMBER 20, 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.

FD 26950, Baltimore and Ohio Railroad Co. abandonment portion of its Midvale Branch between Monroe and Midvale in Randolph and Barbour Counties, W.Va., now assigned October 2, 1972, at Washington, D.C., postponed to October 16, 1972 (2 days), at Elkins, W.Va., in a hearing room to be later designated.

MC-60196 Sub 7 Auto Express, Inc., now assigned October 2, 1972, at Harrisburg, Pa., is postponed to October 24, 1972, at Scranton, Pa., in a hearing room to be later designated.

MC-C-7796, C. A. White Trucking Co. & McAlister Trucking Co.—Investigation and Revocation of Certificates, MC-23618 Sub 18, McAlister Trucking Co., MC-60157 Sub 18, C. A. White Trucking Co., now assigned November 27, 1972 (1 week) at Denver, Colo., will be held (2 days) instead, and on November 30, 1972, (2 days) at Tucson, Ariz., in a hearing room later to be designated.

MC 83539 Sub 328, C & H Transportation Co., Inc., application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-16262 Filed 9-22-72;8:51 am]

[Notice 83]

ASSIGNMENT OF HEARINGS

SEPTEMBER 20, 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.

CORRECTION

MC-F-11423, Tower Lines, Inc.—Control & Merger—All Ohio Trucking Co., and MC 65941 Sub 72, Tower Lines, Inc., now being assigned hearing November 29, 1972 (3 days), at Columbus, Ohio, in a hearing room to be later designated. The correct sub is 36.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-16263 Filed 9-22-72;8:51 am]

[Notice No. 128]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 20, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2253 (Sub-No. 57 TA), filed August 31, 1972. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150 East, Post Office Box 697, Cherryville, NC 28021. Applicant's representative: W. C. Mauldin (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood sawdust, shaving, or ground wood,* in bulk, from Camak, Ga., to Clifton, N.J., for 180 days. Supporting shipper Knox Wood Products Division, Drawer C. Thomson, GA 30824. Send protests to: Frank H. Wait, Jr., Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, Charlotte, N.C. 28202.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 26088 (Sub-No. 24 TA), filed August 31, 1972. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC. (a Corp.), Post Office Box 457, Gwinnett Street, Extension, Augusta, GA 30903. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Built-up wall panels, with facing ceramic products, synthetic or natural aggregate, and sand, brick, and other ceramic products, and concrete masonry unites*, from points in Richmond County, Ga., to points in the following cities and their commercial zones: Billings, Mont., Pittsburgh, Wilkes-Barre, and State College, Pa., Chicago, Ill., La Grange, Ill., Rochester, N.Y., Flemington, N.J., Washington, D.C., and Youngstown, Ohio, for 90 days. Supporting shipper: Merry Ar-Lite, Panels Division, Post Office Box 1474, Augusta, GA 30903. Send protects to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 51004 (Sub-No. 3 TA), filed September 13, 1972. Applicant: PAUL H. LISKEY, R.F.D. No. 1, Kearneysville, W. Va. 25430. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except brick) *lumber and plywood*, from Baltimore, Md., Washington, D.C., and Pocomoke City, Md., and the commercial zone of each, to points in Morgan, Berkeley, and Jefferson Counties, W. Va., for 180 days. Supporting shipper: Thorn Lumber Co., Martinsburg, W. Va. 25401. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 110064 (Sub-No. 2 TA), filed September 8, 1972. Applicant: BILL MEEKER, 1632 North Mosley, Post Office Box 11184, Wichita, KS 67202. Applicant's representative: Acklie and Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Louis, Mo., to Arkansas City, Kans.; and (2) *empty malt beverage containers*, from Arkansas City, Kans., to St. Louis, Mo., for 180 days. Supporting shipper: Ark Valley Dist. Co., 1003 West Madison, Arkansas City, KS 67005. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 110098 (Sub-No. 130 TA), filed September 8, 1972. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, 1400 Ackerman Road, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (2) *pet foods and pet supplies*, (3) *household buffing and polishing compounds*, and (4) *commodities* the transportation of which are within the partial exemption of section 203(b)(6) of the Interstate Commerce Act, from the plantsite of the R. T. French Co., at or near Springfield, Mo., to points in North Dakota, South Dakota, Nebraska, Colorado, Kansas, New Mexico, Oklahoma, Iowa, Minnesota, Illinois, Wisconsin, Arkansas, Louisiana, and Texas, for 180 days. Supporting shipper: Robert J. Shirley, Traffic Manager, The R. T. French Co., 1 Mustard Street, Rochester, NY 14609. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 112822 (Sub-No. 246 TA), filed September 6, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Cade and Lozes, La., to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington, for 180 days. Supporting shipper: J. S. Brown III, Bruce's Foods Corp., Post Office Box 1030, New Iberia, LA. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113843 (Sub-No. 188 TA), filed August 30, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, drugs, plastic and rubber articles* (except commodities in bulk and frozen foods), from the facilities of Ross Laboratories, a division of Abbott Laboratories, at or near Altavista, Va., to points in Colorado, Kansas, South Dakota, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Nebraska, and Iowa, for 180 days. Supporting shipper: Ross Laboratories, 625 Cleveland Avenue, Columbus, OH 43216. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, J. F. K. Federal Building, Room 2211-B, Government Center, Boston, Mass. 02203.

No. MC 120800 (Sub-No. 49 TA), filed September 6, 1972. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: David P. Christianson, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in semitrailers, from Navajo, Ariz., to points in California, for 150 days. Supporting shipper: Air Products and Chemicals, Allentown, Pa. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124211 (Sub-No. 220 TA), filed September 7, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 DTS, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of Food Producers, Inc., Minneapolis, Minn., to points in Kansas and Colorado, for 150 days. Supporting shipper: Food Producers, Inc., Minneapolis, Minn. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, NE 68102.

No. MC 124669 (Sub-No. 29 TA), filed September 8, 1972. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, SD 57105. Applicant's representative: Ernest Sifrar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed and liquid animal and poultry feed supplements and ingredients*, from Madison, S. Dak., and points within 5 miles thereof, to points in North Dakota, Minnesota, Iowa, and Nebraska, for 180 days. Supporting shipper: Terra Western Corp., doing business as Dakotaland, Inc., Madison, S. Dak. 57042, C. W. Schladweiler, Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 124920 (Sub-No. 11 TA) (Correction), filed August 21, 1972, published in the FEDERAL REGISTER September 14, 1972, corrected and republished in part as corrected this issue. Applicant: LABABAR'S, INC., 310 Breck Street, Scranton, PA 18505. Applicant's representative: Thomas A. Klima, LaBar's, Inc., 310 Breck Street, Scranton, PA 18505. NOTE: The purpose of this partial republication is to show applicant's correct name as Lababar's, Inc., in lieu of Babar's, Inc., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 128383 (Sub-No. 19 TA), filed September 12, 1972. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities the transportation of which, because of size or weight require the use of special

equipment), having a prior or subsequent movement by air, between John F. Kennedy International Airport, New York, N.Y., on the one hand, and, on the other, Weir Cook Airport, Indianapolis, Ind., Hopkins Airport, Cleveland, Ohio and Vandalia Airport, Dayton, Ohio, for 180 days. Supporting shipper: Pan American World Airways, 144 South Pennsylvania Avenue, Indianapolis, IN 46204. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 128616 (Sub-No. 9 TA) (Correction), filed August 7, 1972, published in the FEDERAL REGISTER August 29, 1972, corrected and republished in part as corrected this issue. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). NOTE: The purpose of this partial republication is to change the authority sought to contract carrier, in lieu of common carrier, and to reassign a new MC No. 128616, Sub-No. 9 TA, in lieu of 114533 Sub-No. 258 TA. The rest of the notice remains the same.

No. MC 128879 (Sub-No. 19 TA), filed September 1, 1972. Applicant: C–B TRUCK LINES, INC., 1401 East Brady, Post Office Box 1774, Clovis, NM 88101. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore*, from El Paso, Tex., to Shirley Basin, Wyo., for 180 days. Supporting shipper: American Minerals, Inc., 3666 Doniphan Drive, El Paso, TX 79922. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 129068 (Sub-No. 17 TA), filed September 6, 1972. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 South Douglas Boulevard, Oklahoma City, OK 73150. Applicant's representative: Jack L. Griffin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movement; and (2) *buildings* (modular), complete, knocked down or in sections, when moved on wheeled undercarriages, in initial movement, from points in Woodward County, Okla., to points in Texas, Arkansas, Louisiana, Missouri, Kansas, Nebraska, South Dakota, Colorado, New Mexico, and Wyoming, for 180 days. Supporting shipper: Make Right Mobile Homes, 2002 Main Street, Woodward, OK 73801. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 133316 (Sub-No. 8 TA), filed September 8, 1972. Applicant: FRANK R. GIVIGLIANO, doing business as GIVIGLIANO TRANSPORT, 1513 San Pedro, Post Office Box 22, Trinidad, CO 81082. Applicant's representative: Frank R. Givigliano (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk, those requiring special equipment, those of unusual value, those injurious or contaminating to other lading, and explosives), between Denver, Colorado Springs, Pueblo, and Trinidad, Colo., on the one hand, and Red River, N. Mex., on the other, serving all intermediate points in New Mexico and the offroute point of Springer, N. Mex., over Interstate Highway 25 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction New Mexico Highway 38 to Red River and return over the same route, for 180 days. NOTE: Carrier does intend to tack at Denver, Pueblo, Colorado Springs, and Trinidad, Colo., and Raton, N. Mex. Supported by: There are approximately 26 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133684 (Sub-No. 6 TA), filed September 7, 1972. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway E, Tacoma, WA 98422. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors and advertising material*, in connection therewith, from Tacoma, Wash., to points in California, for 180 days. Supporting shipper: Carling Brewing Co., 9400 Quincy Avenue, Cleveland, OH 44106. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134884 (Sub-No. 3 TA), filed September 6, 1972. Applicant: FAR-WEST FURNITURE TRANSPORT, INC., 6840—112th Street SE., Renton, WA 98055. Applicant's representative: Bruce E. Mitchell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, between points in Utah, on the one hand, and, on the other, points in Oregon, Idaho, Washington, and California, for 180 days. Supported by: There are approximately 40 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136096 (Sub-No. 2 TA), filed September 7, 1972. Applicant: RELIABLE MOVING & STORAGE, INC., Highway 30, High Ridge, Mo. 63049. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Major household appliances*, crated, from High Ridge, Mo., to Collinsville, Belleville, and Wood River, Ill., for 180 days. Supporting shipper: K-Mart Stores, Inc., Wood River, Ill. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 136891 TA (Amendment), filed July 18, 1972, published in the FEDERAL REGISTER, August 4, 1972, amended and republished as amended this issue. Applicant: STAN WATKINS TRUCKING, INC., 406 Fifth Avenue South, Shelby, MT 59474. Applicant's representative: Howard C. Burton, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* in bottles, cans and kegs, from San Francisco, Calif., to Shelby, Kalispell, Libby, and Havre, Mont.; from St. Paul, Minn., to Shelby, Mont., from Seattle, Wash.; to Shelby, Missoula and Great Falls, Mont.; from Tacoma, Wash., to Shelby, Kalispell, Libby, and Great Falls, Mont.; from Vancouver, Wash., to Shelby and Havre, Mont., from Los Angeles, Calif., to Missoula, Mont.; from Azusa, Calif., to Kalispell, Libby, and Great Falls, Mont.; from Van Nuys, Calif., to Shelby, Missoula and Havre, Mont., from Minneapolis, Minn., to Missoula, Mont., from La Crosse, Wis., to Shelby, Mont., and from Milwaukee, Wis., to Shelby, Mont.; and (2) *carbonated beverages*, in bottles and cans, from Chico and Vista, Calif., Portland and Eugene, Oreg., and Seattle and Yakima, Wash., to Missoula, Great Falls, Shelby, Havre, Kalispell, and Libby, Mont., and (3) *bottles, kegs, cans, and pallets on return movement*, for 180 days. Supporting shippers: Gusto Distributors, Post Office Box 1213, Great Falls, MT 59403; Lee Distributors, Post Office Box 1194, Kalispell, MT 59901; Triple "C" Distributors, Post Office Box 489, Shelby, MT 59474; Havre Distributors, 935 First Avenue, Havre, MT 59501; Shelby Distributors, 120 Central Avenue, Shelby, MT 59474; Zip Beverage, 938 Phillips Street, Missoula, MT 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, MT 59101. NOTE: The purpose of this republication is to redescribe the commodity description, and to broaden the territorial scope.

No. MC 138022 TA, filed September 8, 1972. Applicant: SAL P. CARDINALE, doing business as CARDINAL MOVING & STORAGE, 1721 Del Monte Boulevard,

Seaside, CA 93955. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in the Counties of Monterey, Santa Cruz, San Benito, and San Luis Obispo, Calif., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such traffic, for 180 days. Supporting shippers: Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, NY 11378. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138015 TA (Amendment), filed August 8, 1972, published in the FEDERAL REGISTER issue of August 29, 1972, amended and republished in part as amended this issue. Applicant: PECK'S MOVING & STORAGE CO., INC., 1719 North Eighth Street, Paducah, KY 42001. Applicant's representative: Clayton R. Wagner (same address as above).

NOTE: The purpose of this partial republication is to change the authority sought to *contract carrier*, in lieu of common carrier, and to reassign a new MC No. 138015 TA, in lieu of MC 107077 Sub-No. 4 TA. The rest of the notice remains the same.

No. MC 138016 (Sub-No. 1 TA), filed September 5, 1972. Applicant: MENANTICO TRANSPORT CO., INC., 184 Sherman Avenue, Post Office Box 889, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 Sixteenth Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, sold, dealt in, or utilized by construction and road building companies, and by construction and road building supply companies, between points in New Jersey, on the one hand, and, on the other, points in Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, and York Counties, Pa., restriction limited to transportation service performed under contract with Tuckahoe Sand & Gravel Co., Inc., for 180 days. Supporting shipper: Tuckahoe Sand & Gravel Co., Inc., Sharp Road, Tuckahoe, N.J. 08250. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 138017 TA, filed September 6, 1972. Applicant: LEONARD CAPONE, doing business as KELINE TRUCKING COMPANY, Lafayette Avenue, West Berlin, NJ 08091. Applicant's representative: Robert D. Stair, Sr., 2122 Meeting House Road, Cinnaminson, NJ 08077. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, viz. precast concrete in forms and slabs, from the plantsite of Camden Lime Co. at Kresson, N.J., to points in Delaware, New Jersey, New York, and Pennsylvania; and (2) *steel articles* used in the manufacture of precast concrete, from Philadelphia, Pa., to Kresson, N.J., for 180 days. Supporting shipper: Camden Lime Co., 1433 Pine Street, Camden, NJ 08103. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-16264 Filed 9-22-72;8:52 am]

[Rev. S. O. 994; I.C.C. Order 72]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the St. Johnsbury & Lamoille County Railroad is unable to transport traffic over its line btween Wolcott, Vt., and St. Johnsbury, Vt., because of track damage.

It is ordered, That:

(a) *Rerouting traffic.* The St. Johnsbury & Lamoille County Railroad, being unable to transport traffic over its line between Wolcott, Vt., and St. Johnsbury, Vt., because of track damage, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3 p.m., September 15, 1972.

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 15, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.72-16265 Filed 9-22-72;8:52 am]

ATOMIC ENERGY COMMISSION

[Docket No. 70-1327]

ALLIED-GULF NUCLEAR SERVICES ET AL.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a copy of a report entitled "Environmental Report—Uranium Hexafluoride Facility," submitted by Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products, Inc., and Gulf Oil Corp. (Allied-Gulf), and dated June 30, 1972, is being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. A copy of the report is also being placed for public inspection in the State clearinghouse, Office of the Governor, State Planning and Grants Division, 915 Main Street, Columbia, SC 29201; the regional clearinghouse, Lower Savannah Regional Planning and Development Commission, Post Office Box 850, Aiken, SC 29801; and at the Barnwell County Courthouse, Office of the County Commissioners, Barnwell, S.C. 29812. The report discusses environmental considerations related to the application by Allied-Gulf for a license to possess and use special nuclear material, source material, and by-product materials associated with the conversion of uranyl nitrate to uranium

hexafluoride at a site in Barnwell County, S.C. Comments on the report may be submitted by interested persons to the Deputy Director for Fuels and Materials, U.S. Atomic Energy Commission, Washington, D.C. 20545.

After the environmental report has been reviewed by the Commission's regulatory staff, a draft detailed statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 15th day of September 1972.

For the Atomic Energy Commission.

L. C. ROUSE,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.72-16191 Filed 9-22-72;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-35 to Boston Edison Co. (Boston Edison) which authorizes operation of the Pilgrim Nuclear Power Station (the facility) at steady state power levels not to exceed 1998 megawatts thermal in accordance with the provisions of the license and the Technical Specifications appended thereto. The facility is a single cycle, forced circulation, boiling water reactor located at Boston Edison's site in Plymouth County, Mass. A notice of consideration of issuance of facility operating license was published by the Commission on April 23, 1971 (36 F.R. 7696).

By memorandum and order dated July 12, 1971, the Commission determined that a public hearing would be held and that the Sierra Club and the Union of Concerned Scientists, joint intervenors, and the Commonwealth of Massachusetts should be admitted to intervene as parties in this proceeding. A notice of hearing was issued by the Commission July 12, 1971 (36 F.R. 13287) and an Atomic Safety and Licensing Board (the Board) was appointed to preside over the hearing. A supplementary notice of hearing, pertaining to environmental matters not previously encompassed by the notice of hearing, was issued by the Commission on December 27, 1971 (36 F.R. 25242). A public hearing convened on December 6, 1971, in Plymouth, Mass., in this matter, and on June 1, 1972, a notice of hearing was issued by the Board (37 F.R. 11383). A second portion of the hearing convened on June 27, 1972, in Plymouth, Mass., for the purpose of considering the issues specified in the Board's memorandum and order, dated May 24, 1972.

The Board issued an order, dated June 1, 1972, in accordance with the provisions of the Commission's regulations authorizing the Director of Regulation to make the appropriate findings under 10 CFR 50.57(c) to issue a license authorizing loading of nuclear fuel and operation of the facility at power levels not to exceed 399 megawatts thermal, for the purpose of testing. On June 15, 1972, the Commission published in the FEDERAL REGISTER a notice of issuance relating to facility operating license No. DPR-35, dated June 8, 1972 (37 F.R. 11912).

By its initial decision, dated September 13, 1972, the Atomic Safety and Licensing Board authorized the Director of Regulation to issue Boston Edison an operating license, containing technical specifications based on the record of hearing, authorizing operation of the Pilgrim Nuclear Power Station at power levels not to exceed 1998 megawatts thermal, subject to the following conditions: (1) Boston Edison shall continue, for a period of 5 years after initial power operation of the facility, an environmental monitoring program similar to that presently existing with the Commonwealth of Massachusetts (and described generally in section C-III of Boston Edison's Environmental Report, operating license stage dated September, 1970) as a basis for determining the extent of station influence on marine resources and shall mitigate adverse effects, if any, on marine resources; and (2) Boston Edison shall submit an operational quality assurance program that meets the Commission's requirements set forth in 10 CFR Part 50, Appendix B, and that such program shall be approved by the Commission. Boston Edison has submitted an operational quality assurance program to the Commission, and the program was approved by the Commission on August 30, 1972. Consequently, it is no longer necessary to include a condition in the license concerning Boston Edison's quality assurance program.

The Board has made the findings which are set forth in the license, and has concluded that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in Title 10 Chapter 1, CFR, and that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the license, the facility has been constructed in accordance with the application, as amended, the provisions of provisional construction permit No. CPPR-49, the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. Boston Edison has submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The license amendment is effective as of the date of issuance and shall expire on August 26, 2008.

For further details, see (1) the Board's initial decision, dated September 13, 1972, (2) Amendment No. 1 to facility operating license No. DPR-35, complete with technical specifications (Appendices A and B), (3) Boston Edison's Environmental Report, dated September 14, 1970, and Environmental Report Supplement, dated November 8, 1971, as amended, (4) the Safety Evaluation for the Pilgrim Nuclear Power Station, dated August 25, 1971, and Supplement No. 1 thereto, dated June 2, 1972, (5) the report of the Advisory Committee on Reactor Safeguards, dated April 7, 1971, (6) Draft Detailed Statement on Environmental Considerations, dated February 1972, (7) Final Environmental Statement, dated May 1972, related to operation of the Pilgrim Nuclear Power Station, (8) Reports by the former Division of Compliance and Regulatory Operations dated October 8, 1971, and May 5, 1972, respectively, and (9) the Final Safety Analysis Report, dated December 31, 1969, as amended, which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Plymouth Public Library, North Street, Plymouth, Mass. 02360. Copies of items (2), (4), and (7) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 15th day of September, 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-16192 Filed 9-22-72;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Extending Completion Date

Consolidated Edison Company of New York, Inc., has filed a request dated August 29, 1972, for an extension of the latest completion date granted by Atomic Energy Commission letter dated June 16, 1972, specified in provisional construction permit No. CPPR-21, as amended, for construction of a 2758 megawatt (thermal) pressurized water nuclear reactor, designated as the Indian Point Nuclear Generating Unit No. 2, 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 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended from October 2, 1972, to January 2, 1973.

For the U.S. Atomic Energy Commission.

Date of issuance: September 18, 1972.

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

[FR Doc.72-16248 Filed 9-22-72;8:52 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO. AND MAINE YANKEE ATOMIC POWER STATION

Notice of Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-36 to the Maine Yankee Atomic Power Co. (the applicant) which authorizes operation of the Maine Yankee Atomic Power Station, a pressurized, light water moderated and cooled reactor, at the applicant's site in Lincoln County, Maine, at steady-state power levels not to exceed 1,830 megawatts thermal. The facility is designed for operation at 2,440 megawatts thermal, but in accordance with the provisions of Facility Operating License No. DPR-36, and the technical specifications appended thereto, activities under the license are restricted to fuel loading, low power testing, and further operations short of full power not in excess of 1,830 megawatts thermal (75 percent of the facility's rated power level of 2,440 MWt).

A notice of consideration of issuance of a facility operating license for the facility was published in the FEDERAL REGISTER on May 13, 1971 (36 F.R. 8821). The notice provided that within 30 days from the date of publication, any person whose interest might be affected by the issuance of the license could file a petition for leave to intervene in accordance with the Commission's regulations, 10 CFR Part 2, rules of practice. By Commission memorandum and order dated November 4, 1971, the following parties were admitted: State of Maine, Citizens for Safe Power, and the Audubon Naturalist Council as joint petitioners, and the Natural Resources Council.

On November 9, 1971, a notice of hearing was published in the FEDERAL REGISTER (36 F.R. 21421), which designated an Atomic Safety and Licensing Board to preside over the hearing.

On March 8, 1972, a supplementary notice of hearing was published in the FEDERAL REGISTER (37 F.R. 4974). This notice superseded the notice of hearing published on November 9, 1971, with respect to matters which may be raised under paragraph A.11 of Appendix D of 10 CFR Part 50.

On May 17, 1972, the Natural Resources Council of Maine withdrew as an intervenor and requested an opportunity to make a limited appearance.

On July 5 and 6, 1972, a public hearing was held in Wiscasset, Maine, to consider the radiological health and safety portion of the application for an operating license. The environmental portion of the hearing is now scheduled for September 14, 1972.

On July 20, 1972, the applicant filed a motion pursuant to § 50.57(c) of 10 CFR Part 50 for the Board to issue an order pursuant to 10 CFR 2.730(e) authorizing the Director of Regulation to make the appropriate findings on matters specified in paragraph (a) of § 50.57 of 10 CFR Part 50, and to issue an operating license authorizing fuel loading, low power testing, and further operations short of full power up to a power level of seventy-five (75) percent of full power for a term of 18 months.

A notice of availability of the final environmental statement related to the operation of the Maine Yankee Atomic Power Station was published in the FEDERAL REGISTER on July 21, 1972 (37 F.R. 14634).

A hearing for oral argument on the 50.57(c) motion was held on July 25, 1972. The intervenors did not oppose the motion.

On July 27, 1972, the Atomic Safety and Licensing Board issued an order, in accordance with the provisions of the Commission's regulations in 10 CFR Part 50, § 50.57(c) and the supplementary notice of hearing, authorizing the Director of Regulation to make appropriate findings on the issues set forth in 10 CFR 50.57(a), and to issue a license authorizing fuel loading, low power testing, and further operations short of full power at steady-state power levels of not more than 488 megawatts thermal. The Board referred the applicant's motion for further operations short of full power up to a power level of 1,830 megawatts thermal to the Commission for determination.

On August 16, 1972, the Commission issued an order authorizing the Director of Regulation to make the appropriate findings and issue a license authorizing fuel loading, low power testing, and further operations short of full power at steady-state power levels not in excess of 1,830 megawatts thermal (75 percent of the facility's rated power level of 2,440 MWt).

The Commission's Director of Regulation has made the findings set forth in the license, and has concluded that the facility will operate in conformity with the application, as amended, the requirements of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission, and will not be inimical to the common defense and security or to the health and safety of the public and that Maine Yankee Atomic Power Co. is technically and financially qualified to engage in the activities authorized by the operating license.

The Commission's regulatory staff has inspected the facility and has determined that the facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-55. The applicant has submitted proof of financial protection in satisfaction of 10 CFR Part 140.

The license is effective as of the date of issuance, and shall expire eighteen (18) months from the said date, provided that the applicant furnishes to the Commission by April 3, 1973, as required by the Federal Water Pollution Control Act, certification that it meets appropriate water quality standards. If said certification is not provided, the license will expire at midnight on April 2, 1973.

Copies of (1) the Board's order, (2) the Commission's memorandum and order, (3) Facility Operating License No. DPR-36, complete with technical specifications, (4) the safety evaluation, (5) the report of the Advisory Committee on Reactor Safeguards, and (6) the final environmental statement are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the license and items (4) and (6) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 15th day of September 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-16193 Filed 9-22-72;8:45 am]

[Docket No. 50-245]

MILLSTONE POINT CO. ET AL.

Notice of Availability of Applicant's Environmental Report and Supplements

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report—Operating License Stage" and its Amendment and Addendum No. 1 thereto (hereinafter collectively referred to as "the report") for the Millstone Nuclear Power Station Unit No. 1 have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. 06385. The report also has been sent to the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, CT 06115, and to the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, CT 06360.

The report (which was filed with the Commission by the Millstone Point Co., the Connecticut Light & Power Co., the Hartford Electric Light Co. and the

Western Massachusetts Electric Co. with letters dated November 15, 1971, and June 23, 1972) discusses environmental considerations related to operation of the Millstone Nuclear Power Station Unit 1 that is located in the town of Waterford, Conn. Provisional Operating License No. DPR–21 was issued to the above companies by the Commission on October 7, 1970, and currently authorizes operation of the Millstone Unit 1 facility at full power (2011 MWt). A copy of the application for a full-term operating license also is available for public inspection at the Commission's public document room and at the Waterford Public Library.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will request comments from Federal agencies, State and local officials, and interested persons on the proposed action and on the draft statement. The summary notice also will contain a statement to the effect that the comments of Federal agencies, and State and local officials will be available for public inspection when received.

Dated at Bethesda, Md., this 18th day of September 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.72–16247 Filed 9–22–72;8:52 am]

[Docket No. 50–285]

OMAHA PUBLIC POWER DISTRICT

Notice of Hearing on a Facility Operating License

In the matter of Omaha Public Power District, Fort Calhoun Station, Unit No. 1, Docket No. 50–285.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (ASLB) designated herein, to begin in the vicinity of the facility, to consider the application filed under section 104b of the Act by the Omaha Public Power District (applicant) for a facility operating license which would authorize the operation of a pressurized water reactor (facility), identified as the Fort Calhoun Station, Unit No. 1, at steady-state power levels up to a maximum of 1,420 megawatts (thermal) at the applicant's site in Washington County, Nebr.

The hearing will be conducted by an Atomic Safety and Licensing Board designated by the Atomic Energy Commission (Commission), consisting of Dr. J. V. Leeds, Jr., Mr. Gustave A. Linenberger, and John B. Farmakides, Esq., Chairman. Dr. Harry Foreman has been designated as a technically qualified alternate, and Mrs. Elizabeth S. Bowers has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Provisional Construction Permit No. CPPR–41, issued by the Commission on June 7, 1968.

A notice of consideration of issuance of an operating license for the facility was published by the Commission on May 12, 1972 (37 F.R. 9576). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the issuance of the license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, rules of practice. A petition for leave to intervene was thereafter filed by Citizens for Survival, Inc. Answers to the petition were filed by the applicant and by the AEC regulatory staff. By memorandum and order dated September 15, 1972, the Commission has determined that, subject to successful completion of the conditions stated therein, a public hearing will be held and that petitioner will be admitted as a party to this proceeding.

A prehearing conference will be held by the ASLB, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice, 10 CFR Part 2. The date and place of the hearing will be set by the ASLB at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The issues to be considered at the hearing on the facility operating license will be any matters in controversy within the purview of the following:

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

In its initial decision, the ASLB will decide any such matters in controversy among the parties and make findings on items 1–6.

In addition, the instant facility is subject to the provisions of section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

For further details pertinent to the matters under consideration, see the application for the facility operating license dated November 28, 1969, as amended, the licensee's revised environmental report dated November 4, 1971, the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, the report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license for the Fort Calhoun Station dated July 21, 1972; the regulatory staff's final detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, issued in August of 1972; and the Safety Evaluation prepared by the Directorate of Licensing, dated August 9, 1972. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Blair Public Library, 1655 Lincoln Street, Blair, NE.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the ASLB, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C., 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding

(other than the regulatory staff) not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the ASLB, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of this section.

Dated at Germantown, Md., this 15th day of September 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-16194 Filed 9-22-72;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice of Hearing on Application for Construction Permit

In the matter of The Niagara Mohawk Power Corp. (Nine Mile Point, Unit No. 2), Docket No. 50-410.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Niagara Mohawk Power Corp. (the applicant), for a construction permit for a boiling water nuclear reactor designated as the Nine Mile Point, Unit No. 2 (the facility), which is designed for initial operation at approximately 3,323 thermal megawatts with a net electrical output of approximately 1,100 megawatts. The proposed facility is to be located at the applicant's site on the southeast shore of Lake Ontario, in the town of Scriba, Oswego County, N.Y. The hearing will be scheduled to begin in the vicinity of the site of the proposed facility.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

Upon receipt of a report by the Advisory Committee on reactor safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such other time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permit should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102-(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for a construction permit dated June 7, 1972, and amendments thereto, and the applicant's Environmental Report dated June 7, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of

8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Oswego City Library, 120 East Second Street, Oswego, NY 13126, for inspection by members of the public between the hours of 10 a.m. and 9 p.m. Monday through Friday and 10 a.m. and 6 p.m. on Saturday. As they become available, a copy of the report of the Advisory Committee on Reactor Safeguards (ACRS), the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the proposed construction permit, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the proposed construction permit, the ACRS report, the Directorate of Licensing's safety evaluation and the Commission's draft and final detailed statements on environmental considerations may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance but who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR 2.785 and will make the delegation pursuant to paragraph (a)(1) of that section. The Appeal Board will be composed of a Chairman, and two other members to be designated by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 21st day of September 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-16937 Filed 9-22-72;10:58 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Hearing on Application for Construction Permits

In the matter of the Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station Units 1 and 2) Dockets Nos. 50-387 and 50-388.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Pennsylvania Power & Light Co. (the applicant), for construction permits for two boiling water nuclear reactors designated as the Susquehanna Steam Electric Station Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3,293 thermal megawatts with a net electrical output of approximately 1,052 megawatts. The proposed facilities are to be located at the applicant's site on the west bank of the Susquehanna River, approximately 15 miles southwest of Wilkes-Barre, Pa., in Salem Township, Luzerne County, Pa. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

Upon receipt of a report by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matter specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference, and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated March 23, 1971, and amendments thereto, and the applicant's Environmental Report dated March 23, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, PA 18701, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday and 9 a.m. and 5 p.m. on Saturday. As they become available, a copy of the report of the Advisory Committee on Reactor Safeguards (ACRS), the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the proposed construction permits, the ACRS report, the Directorate of Licensing's safety evaluation and the Commission's draft and final detailed statement on environmental considerations may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30)

days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR 2.785 and will make the delegation pursuant to paragrarph (a)(1) of that section. The Appeal Board will be composed of a Chairman, and two other members to be designated by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 21st day of September 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-16398 Filed 9-22-72;10:58 am]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

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 September.

3 CFR

Page

PROCLAMATIONS:

3279 (amended by Proc. 4156) - 19115
4149 - 18281
4150 - 18283, 18441
4151 - 18439
4152 - 18689
4153 - 18691
4154 - 18889
4155 - 18891
4156 - 19115
4157 - 19337

EXECUTIVE ORDERS:

11533 (see EO 11683) - 17813
11554 (amended by EO 11684) - 17959
11677 (revoked by EO 11683) - 17813
11683 - 17813
11684 - 17959

5 CFR

213 - 17815, 17816, 18071, 18515, 18893, 19797, 20021

6 CFR

101 - 19797
200 - 18081
300 - 18082, 18548, 18893, 19377
301 - 18443, 19619
401 - 19619
Rulings - 18029, 18179, 18180, 18337, 18339, 18549, 18611, 19620

PROPOSED RULES:

300 - 18745

7 CFR

51 - 18515
55 - 17816
61 - 17817
301 - 17961, 18896
319 - 19799
401 - 18611, 19339, 19340, 20021
409 - 18611
411 - 19340
719 - 19340
811 - 19117
865 - 19341
892 - 18693
896 - 19345
905 - 18897
908 - 17817, 17961, 18071, 18285, 18612, 19118, 19620
910 - 17961, 18285, 18898, 20021
915 - 18899
918 - 17818
926 - 18072
927 - 19350
931 - 18181
932 - 17818, 19118
944 - 19351
948 - 18899
966 - 19118
967 - 19800
981 - 18072, 18443

3 CFR—Continued

Page

989 - 19621, 20022
991 - 17962
993 - 18286
1108 - 19351
1133 - 18699
1421 - 19352
1446 - 18029, 18900
1475 - 18181
1822 - 18700
1832 - 19119
1890m - 18709

PROPOSED RULES:

52 - 17851, 18083, 18340, 19379, 20036
56 - 19145
58 - 18556, 18559
271 - 18469
722 - 18039, 18923
726 - 18218
905 - 20036
906 - 20037
948 - 18742
966 - 18039, 19819
987 - 19379
989 - 20037
1007 - 18984, 19380
1040 - 17852, 19639
1043 - 17852, 19639
1060 - 19380, 19482
1061 - 19380, 19482
1063 - 19380, 19482
1064 - 19380, 19482
1065 - 18203, 19380, 19482
1068 - 19380, 19482
1069 - 19380, 19482
1070 - 19380, 19482
1071 - 18340, 18984, 19380
1073 - 18340, 18984, 19380
1076 - 19380, 19482
1078 - 19380, 19482
1079 - 19380, 19482
1090 - 18984, 19380
1094 - 18994, 19380
1096 - 18984, 19380
1097 - 18340, 18984, 19380
1098 - 18984, 19380
1102 - 18340, 18984, 19380
1103 - 18984, 19380
1104 - 18340, 19210, 19380
1106 - 18216, 18340, 19210, 19380
1108 - 18340, 18984, 19380
1120 - 18340, 19210, 19380
1126 - 18340, 19210, 19380
1127 - 18340, 19210, 19380
1128 - 18340, 19210, 19380
1129 - 18340, 19210, 19380
1130 - 18340, 19210, 19380
1131 - 19210, 19380
1132 - 18340, 19380
1133 - 17855, 18372
1138 - 18340, 19210, 19380
1488 - 20038
1701 - 18222

9 CFR

72 - 19801
76 - 17819, 18182, 18517–18519, 18612, 18613, 18903, 19119, 19352, 19802
77 - 17962
82 - 18072, 18286

10 CFR

Page

1 - 18520
115 - 18073

12 CFR

204 - 19802
210 - 19802
220 - 18711
221 - 18711
225 - 18520
500 - 17962
522 - 18287
524 - 18287
526 - 17820
531 - 18030
543 - 17821
545 - 18288
555 - 19607
556 - 19607
584 - 18073
589 - 18074
710 - 17821
721 - 19353

PROPOSED RULES:

7 - 18556
204 - 19386
213 - 19386
338 - 19385
541 - 18473, 18571
545 - 18473, 18571
584 - 18473
615 - 18630
741 - 18202
749 - 19387

13 CFR

305 - 17963
309 - 19607

PROPOSED RULES:

115 - 17980

14 CFR

11 - 19354
13 - 18614
23 - 20023
25 - 19607
27 - 20023
39 - 17823, 17963, 18030, 18288, 18444, 18521, 18522, 18713, 19120, 19802, 19803
71 - 17824, 18031, 18182, 18183, 18289, 18614, 18615, 18714, 18715, 18903, 18904, 19121, 19355, 20024
73 - 18184
75 - 18074, 18184, 18615, 18715, 18904, 19355
91 - 20024
95 - 17824, 18904
97 - 18074, 18523, 19803
121 - 18716, 19607, 20024
127 - 20024
Ch. II - 18908
212 - 19121
214 - 19121
221 - 19804
241 - 19726
298 - 19609
372 - 19122
384 - 18909

14 CFR—Continued

Page

PROPOSED RULES:

39 ... 17856, 18448, 18564
71 ... 17857, 17979, 18396, 18565, 18743, 19146, 19820, 20040, 20041
75 ... 17857, 18397
91 ... 19821
93 ... 18744
121 ... 19380, 19821
123 ... 19821
129 ... 17979
135 ... 19821
221 ... 18926
225 ... 19382
252 ... 19146

15 CFR

390 ... 17977
1000 ... 18035, 18294

16 CFR

13 ... 18184, 18185, 18187–18191, 18444–18447
118 ... 18448

17 CFR

240 ... 18716, 18717, 18719, 18909
249 ... 18717, 18719

PROPOSED RULES:

230 ... 18928
231 ... 18928
239 ... 18928
240 ... 18928, 19148
249 ... 18928

18 CFR

1 ... 18192
2 ... 18192, 18721
3 ... 18192, 18524
141 ... 18032
260 ... 18032, 18524

PROPOSED RULES:

2 ... 19653, 20042, 20045
41 ... 18632
101 ... 18041
141 ... 18632
158 ... 18632
260 ... 18632

19 CFR

1 ... 19355
4 ... 20025
12 ... 18032, 18615
16 ... 18193
25 ... 18032, 18472, 18615, 18723
111 ... 19355

20 CFR

410 ... 18525
602 ... 18725
722 ... 18076

PROPOSED RULES:

401 ... 17978
404 ... 18471
410 ... 18002
422 ... 17978
715 ... 18152
717 ... 18084, 18169
718 ... 18152
720 ... 18152
725 ... 18152

21 CFR

Page

3 ... 18525
16 ... 18525
19 ... 18193
37 ... 18193
51 ... 18527
121 ... 18195, 18528, 18529, 18615, 19122, 19804
135 ... 18529, 18530, 19357, 19610
135a ... 18530, 18910
135b ... 18448, 18529, 18910, 19122
135c ... 18530, 18531, 19611
135e ... 18615
135g ... 18531, 18615, 19122
141a ... 18532
141b ... 18532
141e ... 18534
146a ... 18532
146b ... 18533
146c ... 18534
146d ... 18534
146e ... 18534
148i ... 18534
149a ... 17825, 18531
149b ... 17826

PROPOSED RULES:

11 ... 20038
12 ... 18562
18 ... 18392
19 ... 18742, 18924
121 ... 18562, 19820
130 ... 18562
132 ... 18563
135a ... 19149
135c ... 19149
141 ... 18469
141a ... 18469
141b ... 19149
141c ... 18625
141d ... 19149
141e ... 19149
146a ... 18469
146c ... 18625
146d ... 19149
148 ... 19149
148n ... 19149
149k ... 18469
150b ... 18626
165 ... 18471
167 ... 20040
191 ... 18628
295 ... 18563, 18629

22 CFR

6 ... 18616
11 ... 19356
201 ... 18192

24 CFR

201 ... 18032
1914 ... 18449, 18725
1915 ... 18450, 18726

PROPOSED RULES:

203 ... 17855

25 CFR

221 ... 18450, 18451
232 ... 18195

PROPOSED RULES:

221 ... 19379
233 ... 19634

26 CFR

1 ... 17826, 18535, 18617, 19358
142 ... 20025
201 ... 19805

PROPOSED RULES:

1 ... 17845, 18475, 18736, 19140, 19625

29 CFR

Page

201 ... 18780
202 ... 18781
203 ... 18786
204 ... 18790
205 ... 18797
206 ... 18799
1906 ... 19123
1910 ... 18196, 18617, 19806

PROPOSED RULES:

570 ... 19653
1910 ... 18617

31 CFR

315 ... 19358
328 ... 19611

32 CFR

166 ... 18727
730 ... 19124
809a ... 18728
1201 ... 18451
1202 ... 18455
1203 ... 18456
1206 ... 18457
1213 ... 18458
1214 ... 18459
1215 ... 18460
1216 ... 18460
1220 ... 18462
1221 ... 18462
1225 ... 18462
1250 ... 18462
1460 ... 19358
1499 ... 19358
1602 ... 17963
1604 ... 17967
1605 ... 17968
1606 ... 17968
1607 ... 17968
1608 ... 17968
1609 ... 17968
1610 ... 17968
1611 ... 17964
1617 ... 17964
1621 ... 17964
1622 ... 17964
1623 ... 17965
1624 ... 17965
1625 ... 17965
1626 ... 17965
1628 ... 17966
1630 ... 17966
1631 ... 17966
1632 ... 17966
1641 ... 17966

PROPOSED RULES:

1604 ... 19652
1631 ... 19652

32A CFR

Ch. X:
OI Reg. 1 ... 18475

PROPOSED RULE:

Ch. X:
OI Reg. 1 ... 18475

33 CFR

82 ... 18465
117 ... 18076, 18911
204 ... 18729, 20026
209 ... 18289, 18911

PROPOSED RULES:

117 ... 18084, 18634

36 CFR

Page

PROPOSED RULES:

7 18623
311 19632
326 19632
327 19632

37 CFR

PROPOSED RULES:

2 18391

38 CFR

2 19132
3 19132
9 19359

PROPOSED RULES:

2 18475
36 18634

39 CFR

114 18535
124 18618
131 17827
132 17827
133 17828
134 17828
135 17829
136 17829
137 17829
141 17829
144 17830, 18466
156 18535
158 17830
159 17830
166 17830, 18535

40 CFR

52 19806, 19812
85 18262
180 18292, 19134, 20026

PROPOSED RULES:

52 18041, 19829
180 18084, 18400, 18565, 19383, 19650

41 CFR

1-1 19815
3-7 18192
5A-1 17831, 19817
5A-2 17831, 19818
5A-16 19818
5A-72 17831
5A-73 17832
5A-76 17832
8-1 18729
8-3 18729
8-4 18729
8-14 18730
9-1 17832
9-16 17832
9-56 17833
9-59 17832
14-1 20027
14-7 18621
14-10 20027
15-1 20028
15-16 19359
101-19 18621
101-26 18535
101-38 18536
114-38 19818

PROPOSED RULES:

3-3 18924

42 CFR

Page

51 17833
78 18537

PROPOSED RULES:

84 19643

43 CFR

417 18076
3850 17836

PUBLIC LAND ORDERS:

1789 (revoked in part by PLO 5246) 18033
5150 (See PLO 5254) 18914
5151 (See PLO 5254) 18914
5169 (Amended by PLO 5256) 18916
5171 (Amended by PLO 5253) 18914
5173 (Amended by PLO 5252) 18913
5174 (Amended by PLO 5255) 18915
5176 (Amended by PLO 5252) 18913
5178:
Amended by PLO 5252 18913
Amended by PLO 5257 19370
5179:
Amended by PLO 5250 18730
Amended by PLO 5251 18911
Amended by PLO 5253 18914
Amended by PLO 5254 18914
Amended by PLO 5255 18915
Amended by PLO 5256 18916
Amended by PLO 5257 19370
5180:
Amended by PLO 5250 18730
Amended by PLO 5251 18911
Amended by PLO 5254 18914
Amended by PLO 5255 18915
Amended by PLO 5256 18916
Amended by PLO 5257 19370
5182 (See PLO 5254) 18914
5186:
Amended by PLO 5254 18914
Amended by PLO 5255 18915
5191 (See PLO 5252) 18913
5192:
See PLO 5250 18730
See PLO 5253 18914
See PLO 5254 18914
See PLO 5255 18915
5193:
See PLO 5250 18730
See PLO 5251 18911
See PLO 5254 18914
See PLO 5255 18915
5213 (See PLO 5252) 18913
5214 (See PLO 5252) 18913
5246 18033
5247 18033
5248 18033
5249 18537
5250 18730
5251 18911
5252 18913
5253 18914
5254 18914
5255 18915
5256 18916
5257 19370
5258 20030
5259 19818
5260 20030
5261 20030

PROPOSED RULES:

2650 19634

45 CFR

Page

233 19371
416 18424

PROPOSED RULES:

129 19647
415 18600

46 CFR

74 18537
78 18537
146 17968
147 20031
185 18537
196 18537
281 18466
502 19135

PROPOSED RULES:

146 18039, 19380
Ch. IV 18474

47 CFR

0 18034, 19371, 19372
1 19372
13 19614
15 19372
25 17837, 19135, 19372
73 18334, 18538, 19615, 20031, 20032
74 18336, 18540, 19614, 20032
76 19616
83 18196
89 17969, 18337
91 17969, 18337
93 17969, 18337
97 18540, 19374

PROPOSED RULES:

1 18632, 19384
2 18201
25 18201, 20041
73 17858, 18041, 18201, 18402, 18403, 18566, 18567, 18632, 19651
74 18569
76 17858, 18401
78 18569
89 18570

49 CFR

1 19137
171 18918
172 18918
173 17969, 18918
174 18918
175 18918
177 18918
192 17970
195 18733
390 18079
394 18080
397 18081
571 17837, 17970, 18034, 18733, 19138, 20033
1033 17837, 18467, 18618, 19616, 19617
1056 17838
1121 18918
1300 18550
1303 18550
1304 18551
1306 18551
1307 18552
1308 18553
1309 18554

49 CFR—Continued

Page

PROPOSED RULES:

172 ---- 19146
213 ---- 18397, 18634
215 ---- 19821
393 ---- 18745, 19380
571 ---- 17858, 18084, 19381
1064 ---- 18403
1254 ---- 18085

50 CFR

Page

10 ---- 17838, 18547, 19375
32 ---- 17844, 18037, 18038, 18081, 18197–18200, 18547, 18548, 18619, 18734, 18735, 19138, 19375, 19376, 19618, 20035
242 ---- 18916
260 ---- 18293

PROPOSED RULES:

262 ---- 18083

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
17807–17951	Sept. 1
17953–18021	2
18023–18063	6
18065–18171	7
18173–18274	8
18275–18431	9
18433–18508	12
18509–18603	13
18605–18682	14
18683–18882	15
18883–19107	16
19109–19329	19
19331–19600	20
19601–19791	21
19793–20014	22
20015–20096	23